



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Third and fourth periodic report of States parties due
in 2003

Sri Lanka*

[24 October 2008]

* According to information transmitted to States parties concerning the processing of reports, the present document has not been edited before being sent to the United Nations translation services.

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Abbreviations

APRC	All Party Representative Committee
ART	Anti Retroviral Therapy
BMIS	Bureau's Medical Information System
CFA	Ceasefire Agreement
CFR	Case Fatality Rate
CGR	Commissioner General of Rehabilitation
CHW	Child Health and Welfare
CS	Children's Secretariat
CST	Child Sex Tourism
CUE	Catch Up Education
CYPO	Children and Young Persons Ordinance
CZOP	Children as Zones of Peace
DCDC	District Child Development Committee
DHF	Dengue Hemorrhagic Fever
DHS	Demographic and Health Survey
DPCCS	Department of Probation and Child Care Services
ECCD	Early Childhood Care and Development
ECCE	Early Childhood Care and Education
ECDC	Early Childhood Development Committees
EFA	Education For All
EPI	Expanded Immunization Programme
ESDFP	Education Sector Development Framework and Programme
ESDP	Education Sector Development Programme
FHB	Family Health Bureau
GDP	Gross Domestic Product
GIS	Geographic Information System
GTZ	German Government Assistance
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organization
INGOs	International non- governmental organizations
ICT	Information Communication Technology
IPEC	International Programme on the Elimination of Child Labour

ISMEQUE	Improve School Management to Enhance Quality of Education with Special Reference to Science and Mathematics
ITN	Insecticide-Treated mosquito Nets
JE	Japanese Encephalitis
JICA	Japan International Co-operation Agency
KAP	Knowledge, Attitudes and Practices
LTTE	Liberation Tigers of Tamil Eelam
MDGs	Millennium Development Goals
MoCDWE	Ministry of Child Development and Women's Empowerment
MR	Measles and Rubella Vaccine
NCOEs	National Colleges of Education
NCPA	National Child Protection Authority
NEREC	National Education Research and Evaluation Centre
NFE	Non-formal Education
NGOs	Non-governmental organizations
NHRC	National Human Rights Commission
NIE	National Institute of Education
NMC	National Monitoring Committee
NPA	National Plan of Action
NPDS/IDP	National Protection and Durable Solutions for Internally Displaced Persons
NSACP	National STD/AIDS Control Programme
NVQ	National Vocational Qualification
PDVA	Prevention of Domestic Violence Act
PMCT	Prevention of Mother to Child Transmission
SAARC	South Asian Association for Regional Cooperation
SCOPP	Peace Secretariat for Coordinating the Peace Process
SLBFE	Sri Lanka Bureau of Foreign Employment
SLMM	Sri Lanka Monitoring Mission
SLSF	Sri Lanka Security Forces
STI	Sexually Transmitted Infections
TEVT	Technical Education/Vocational Training
TMVP	Tamil Makkal Viduthalai Pulikal
TRO	Tamil Rehabilitation Organization
UNICEF	United Nations Children's Fund
WFP	World Food Programme

I. Introduction

1. The Government of Sri Lanka submitted its second periodic report (CRC/C/70/Add.17) which was due in 1998, in November 2002. This report covered the period February 1994 to July 1999. The Committee considered the report at its 871st and 872nd meetings (CRC/C/SR.871 and 872) held on 23 May 2003. The concluding observations on the report were adopted at the 889th Meeting (CRC/C/SR.889) held on 6 June 2003.

2. The Committee welcomed the submissions of the report as well as the detailed written replies to a list of issues (CRC/C/Q/SRI/2). There was appreciation regarding the high level delegation sent by the Government. The frank dialogue and the positive reactions to suggestions and recommendations made during the discussion were welcomed.

3. In order to help Sri Lanka to catch up with its reporting obligation and be in full compliance with the Convention, the Committee in its concluding observations the Government of Sri Lanka was invited to submit its third and fourth reports as one consolidated report. The 10th of August 2008 was therefore, decided as the due date for the submission of the Fourth report.

4. The previous two reports submitted by Sri Lanka have provided a detailed picture of the historical, socio-economic and political context of the country up to 1998. These reports also included the legal background at that time within which human rights and children's rights in particular, are dealt with. The present report will therefore not repeat the contents in the previous reports to the Committee, but only mention the changes which have occurred since then.

5. The Committee has indicated that it would expect the present report to focus on the recommendations of the Committee in its concluding observations of the previous report, and provide information on what follow up action has been taken on the recommendations in each area of the Convention. Accordingly, it was decided that this would be the focus of the present report. The report will therefore follow the recommendations in the sequence in which they have been set out in the concluding observations:

(a) This has resulted in the need for some cross-referencing and occasionally overlaps, although effort has been made to keep the latter to a minimum;

(b) The report will also update the Committee on developments in relation to children's rights in the period August 1999 to July 2008;

(c) Refer to the constraints and challenges encountered in realizing the rights set out in the Convention, particularly in the context of a changing political environment;

(d) Provide information on proposed programmes to improve the child rights situation.

6. For the Committee's ease of reference, this report will group the subject areas closely following the structure adopted by the Committee in its concluding observations on the country's previous report. A new sub-section (E) has been included on "Children affected by the Tsunami" under Section IX on "Special Protection Measures". The structure in the concluding observations also follows the structure recommended in the reporting guidelines regarding the form and content of periodic reports to be submitted by States parties. The report will aim to:

(a) Respond to the concerns and in particular to each of the specific recommendations of the Committee in each subject area;

(b) Provide information on developments, changes or occurrences of significance which have taken place which are of relevance to the implementation of the Convention under the appropriate subject heading or sub-heading;

(c) Update the information in the second periodic report where necessary, for instance statistical data in areas such as health.

7. It is essential that prior to considering the report on how Sri Lanka has responded to the recommendations of the Committee, that note be made, of the very different political and security climate which existed when the previous report was submitted as compared with the current situation. One of the most important is the Ceasefire Agreement (CFA) which occurred in 2002. It was signed between the Government and the Liberation Tamil Tigers Eelam (LTTE) movement and negotiated by the Government of Norway. The political party governing the country at that time was different to the one today. The CFA led to the setting up of a Sri Lanka Monitoring Mission (SLMM) by Norway and a Sri Lanka Peace Secretariat for Coordinating the Peace Process (SCOPP) under the Office of H.E the President. During the five- year period until the CFA was abrogated by the current Government, the reports of the SLMM exposed over 6500 violations of the CFA as compared with a few hundred by the Sri Lanka Security Forces (SLSF). Cessation of hostilities under the CFA did not occur as anticipated in Sri Lanka but rather increased. This was mainly due to the excessive violations of the CFA by the LTTE and also because of the lack of an effective mechanism for credible and proper enforcement. Another was the reluctance of the LTTE to decommission weapons which is a necessary pre-condition for successful peace implementation. Subsequent attempts during 2007 at peace negotiations with the LTTE were not effective due to three key strategies adopted by them.

8. These included their demand for greater access to high security zones, demand for an interim administration with wide ranging powers and a reluctance to engage in discussing core political issues.

9. However there was a dramatic change with the liberation of the East beginning in 2004 which reached a climax in 2008. The main contributory factor was the breaking away of the Karuna faction of the LTTE. It was they who were involved in terrorist attacks on behalf of the LTTE in the East for several years. This breakup led to a significant political advancement and a return to democracy by the holding of provincial elections in the East May 2008 for the first time in over two decades. A voter turnout of 60 per cent was an achievement and a victory for democracy.

10. Another significant factor was the de merger of the Northern from the Eastern province following a Supreme Court Judgment. This occurred in a relatively trouble-free manner. The setting up of the All Party Representative Committee (APRC) by the present Government was one of the most important means through which it has been possible to work towards achieving a permanent solution to the conflict. The APRC is currently engaged in a process of frequent dialogue and communication with all political parties to reach a broad consensus on further devolution of power which can lead to sustainable peace and equitable development. One of the Committee's most important recommendations is the effective implementation of the thirteenth amendment to the constitution which embodies the devolution of a significant level of powers to provinces. In the meanwhile, a massive programme of work is focused on a reawakening of the Eastern Province. This seeks to rebuild houses, schools, public buildings, roads, bridges damaged while creating new employment opportunities by encouraging greater investments in particular by the private sector. The resettlement and welfare of IDPs is given continued priority. Another important aspect is the fact that the breakaway of the Karuna Faction of the LTTE subsequently converted to the Tamil Makkal Viduthalai Pulikal (TMVP) which registered itself as a political group and decided to join the political system.

11. It is important to emphasize that the conflict has direct bearing on children living in the geographical areas of the North where the LTTE dominates, and also in the East which has only recently been liberated. Special conflict related issues including child recruitment, displacement, and vulnerability to mines and access to social services, occur to a greater extent in the North and East. However, it is important to keep in mind that the conflict has had an impact on children all over Sri Lanka. This is particularly so as the LTTE has targeted civilians, including children in all parts of the island, and even in the capital city of Colombo. This impact includes the effects of heightened security, the financial impact of allocating funds for security concerns and the highlighting of terrorism and violence in the media. Although the burden of providing free health care, free primary, secondary and tertiary education, support for an administration and infrastructure including child protection services have been getting increasingly heavy, such services continued to be supported and provided by the Government without interruption during the entire period of the conflict, including an equitable coverage of such services even in LTTE dominated areas. Compared to the situation at the time of the previous report, the LTTE is today acknowledged as a terrorist organization in the 27 member countries of the European Union, in the USA, in India and Canada.

12. The Government remains hopeful that the LTTE will cease its violence and terrorist acts against the State and the people of ethnic communities, particularly the children. There will be a peaceful just settlement in the near future.

II. General measures of implementation

A. Implementation of the Committee's previous recommendations

13. **The Committee urges the State party to make every effort to address the recommendations contained in the concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.**

14. While the Committee noted with satisfaction that various recommendations of the Committee on Sri Lanka's initial report had been addressed through legislative and policy measures, it noted that recommendations regarding, inter alia, harmonization of legislation, coordination of the implementation of the Convention, child participation and juvenile justice have not been given sufficient follow-up. Information on follow-up action in relation to these as well as other areas mentioned in the initial report will be covered in the relevant sections below.

B. Legislation

15. **The Committee recommends that the State party undertake a systematic review of all existing laws in order to bring them into conformity with the Convention and to consult with the different ethnic communities regarding the inclusion of their personal laws in this process of reform.**

16. As part of a general review of laws in conformity with international human rights standards, the Law Review project of the National Human Rights Commission (NHRC) carried out a comparative study of the requirements in the Convention on the Rights of the Child and the domestic laws of Sri Lanka (in 2003). The study examined articles 1-40 of the Convention and identified those Sri Lankan legal provisions which were consistent as well as those which could be considered inconsistent with the Articles. Such inconsistencies

mainly related to the age at which children were considered by law as capable of certain action. This will be discussed below, in section III “Definition of Child”.

17. Legislation was passed in a number of areas to strengthen children’s rights and enhance their protection. These included the following:

(a) The Prevention of Domestic Violence Act No. 34 of 2005 which provided for protection orders to be urgently obtained to safeguard those suffering and at risk of domestic violence including both women and children;

(b) The Employment of Women, Young Persons and Children (Amendment) Act No. 8 of 2003 which strengthened child labour law by inter alia increasing the minimum age of employment from 12 to 14 years, and prohibiting the employment of children under 14 while enhancing the sentence for violation of this provision;

(c) The Penal Code (Amendment) Act No. 16 of 2006 strengthened the law against child trafficking including that by electronic media. The new section 360C adopts the wide definition of trafficking in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons. The new section 358A has criminalized outstanding worst forms of child labour as stipulated in the International Labour Organization (ILO) Convention No. 182: debt bondage and serfdom, forced or compulsory labour, slavery and engagement or recruitment of children in armed conflict. (The former three apply to all persons, not only children);

(d) The Citizenship (Amendment) Act No. 16 of 2003 enabled children to acquire nationality from both parents, whereas under the previous law it was only the father who was able to pass on Sri Lankan nationality to children;

(e) The International Covenant on Civil and Political Rights (ICCPR) Act No. 56 of 2007 provided that the best interests of the child shall be of paramount importance in all matters concerning children whether undertaken by courts, administrative authorities, legislative bodies or public or private social welfare institutions, and strengthened protection for children in respect of birth registration, name and nationality and legal assistance.

18. At the legislative and conceptual level the law has moved away from a position of exclusive faith in criminal processes to protect children to a more direct child or victim focused protective approach. In the Prevention of Domestic Violence Act – a piece of civil legislation, a different logic has come into play in both understanding the risks to family members and providing responses. The definition of domestic violence has introduced the concept of responses to maltreatment and addressing basic needs such as housing, safety and the economic needs of victims. There is however challenges at different levels in negotiating a stronger child rights based perspective. By the provisions in the ICCPR Act, the best interest’s standard has now become a general principle of interpretation that will apply to all laws and actions relating to children.

19. The Witness and Victim Protection Bill of 2008 seeks to provide a significant and high level of protection and relief to both victims and witnesses which includes children.

20. Since the criminal justice system affords two legal rights to victims of crime, it has now been accepted that there is a need to provide assistance and protection to victims of crime and witnesses in criminal proceedings. The absence of such assistance not only affects them but adversely impinges on the efficacy of the criminal justice system.

21. The necessary Commissions of Inquiry appointed to inquire into allegations amounting to serious violations of Human Rights is seriously hampered in its proper functioning by the absence of an effective witness protection scheme.

22. The Bill on Assistance and Protection of Victims of Crime and Witnesses, seeks to create a new legal regime for the protection of both the victims as well as witnesses in relation to incidents of crime. This law stipulates the rights and entitlements of victims of crime and witnesses and provides for a mechanism for the promotion, protection, enforcement and enjoyment of such rights and entitlements. This would therefore have a positive impact on crimes against children.

23. According to the definition of the law, a victim of crime is:

- (a) Any person who has suffered harm due to an offence being committed;
- (b) Any person who has suffered harm as a result of an infringement of a fundamental right or human right;
- (c) Any person who has suffered harm by intervening to assist a victim of crime, or to prevent the commission of an offence;
- (d) Any member of a family of such victim of crime;
- (e) The next of kin of a victim of crime;
- (f) Any other person of significant importance to a victim of crime.

24. The law set out the rights and entitlements of victims of crime and witnesses and provide for a mechanism to promote, protect, enforce and exercise such rights and entitlements. The core rights of victims include:

- (a) The right to be present and participate in criminal justice proceedings;
- (b) The right to apply and receive compensation for harm suffered as a result of being a victim of crime;
- (c) The right to be informed of proceedings and events in the criminal justice process, of legal rights and remedies, and of available services;
- (d) The right to protection from intimidation and harassment;
- (e) The right to restitution for the offender;
- (f) The right to be medically treated for any mental or physical injury suffered as a result of being a victim of crime.

25. The law also provides for:

(a) A National Authority for the Protection of Victims of Crimes and Witnesses for the promotion and protection of such victims of crime and witnesses. There will also be an Advisory Commission chaired by the Chief Justice to advise the Board of Management of the Authority regarding the performance of its functions. The Authority will be empowered to compensate victims of crime and provide immediate relief until the Court order the payment of comprehensive compensation;

(b) A Victim of Crime and Witness Assistance and Protection Fund will be established for the payment of compensation to victims. The Authority is required to establish a fund primarily for the purpose of providing interim compensation to victims of crime and generally to provide financial resources necessary to give effect to objective of the law;

(c) The Victims of Crime and Witness Protection Division to be set up in the Police Department will be entrusted with the task to implement an effective witness assistance and protection programme;

(d) The law will provide for the rendering of assistance and protection to victims of crime and witnesses. The assistance shall include security to the person and the property,

provision of temporary housing or accommodation, permanent relocation, including housing, provision of temporary or permanent employment, necessary finances, re-identification.

26. Each of these laws will be dealt with in more detail in the specific sections to which their subject matter belongs, below. On the issue of consulting with ethnic communities, see section III on “Definition of Child”.

C. Coordination

27. **The Committee recommends that the State party:**

(a) **Establish one effective and identifiable governmental body for the coordination of all activities regarding the implementation of the Convention and which has adequate power and sufficient human and financial resources to carry out its coordinating role effectively;**

(b) **Clearly define the role of the NMC and NCPA and the various committees at the provincial and district levels in order to avoid duplication of their efforts and to facilitate cooperation between them, and provide these bodies with the necessary human and financial resources.**

Effective and identifiable governmental body for coordination

28. There have been efforts made to move towards better overall coordination in the area of children’s rights. Following the election of the current President into office in November 2005, a Ministry of Child Development and Women’s Empowerment (MoCDWE) was created. Previously there was no central Ministry dedicated to children’s issues.

29. Two key institutions involved in Child Protection and in Child Welfare – the National Child Protection Authority (NCPA) and the Department of Probation and Child Care Services (DPCCS), were therefore, assigned under one Ministry. The NCPA was an outcome of a Presidential Task Force in 1997.

30. The NCPA was established through an Act of Parliament in 1998. The NCPA functioned as a separate agency directly under the President’s Office until 2006. The Department of Probation and Child Care were under the Ministry of Social Services. While the former arrangement provided greater autonomy for activities of the NCPA, it is anticipated that the establishment of the new Ministry will enable better coordination between the NCPA and the (central) DPCCS Office, and provide technical support for Provincial Departments of Probation and Child Care.

31. The MoCDWE stands as the principal overarching government body for children’s issues and for the implementation of the Convention. As a result, for example, the preparation of the present report is the responsibility of this Ministry. The Ministry of Foreign Affairs plays a coordinating role and is ultimately responsible for final submission. Having a separate Ministry has elevated the children’s rights sector in terms of both human and financial resources, competing at the same level with other Ministries for government resources. The Child Development component of the Ministry consists of the NCPA, the DPCCS and the Children’s Secretariat (CS). The CS focuses primarily on children under five to provide early childhood development. Amalgamating women’s and children’s issues under one Ministry creates opportunities for better coordination between these two subject areas which are closely connected.

32. One of the key functions of the new Ministry is overseeing the implementation of the National Plan of Action (NPA) for the Children of Sri Lanka 2004–2008. The Ministry is also responsible for the disbursement of NPA funds to the central and provincial Ministries tasked with carrying out the different components of the Plan.

33. The NPA for children was formulated following the commitment made by Sri Lanka, to work towards achieving the global Plan of Action in the World Fit for Children document. This document was the outcome of the UN Special Assembly Session on Children held on 10 May 2002. The overall strategy of the NPA is to guarantee universal access to the services that children require for their full development and, to give the opportunity to develop their individual capacities in a safe environment. Its aim is to meet short-term urgent needs as well as offer a long-term development perspective for children.

34. The NPA covers the following subject areas:

- (a) Education – provision of quality education and improvement of access;
- (b) Health care – promoting quality health and nutritional status for children;
- (c) Water supply – reliable water supply and sanitation facilities;
- (d) Child protection – protecting the disadvantaged child;
- (e) Child labour;
- (f) Juvenile justice.

35. It must be mentioned that the NCPA does not aim to replace the ongoing programmes of the Government.

36. The NCPA directs attention and financial resources to child relevant areas which are neglected or under-resourced in the regular programmes of the Government and sectors which provide services for children.

Clearly defined roles of the National Monitoring Committee (NMC), the NCPA and Committees at sub-national level and human and financial resources

37. The NMC and the NCPA are two different institutions both conceptually and operationally. The NMC was set up to monitor the implementation of the Children's Charter (adopted by the Government as a policy document based on the Convention on the Rights of the child in 1991). It functioned at a policy level, meeting at regular intervals to examine legal and administrative changes across a wide range of children's rights including but not confined to protection issues. The NMC established District Monitoring Committees (DMC) to extend its monitoring functions to district level. Due to staff changes and other reasons, the NMC ceased to function regularly at national level during the period 2004–2007 but was revived again in 2007.

38. At the time of the submission of the previous report, the NCPA had just been created. The work of the NCPA in the following years tended to have a strong policy related and operational focus, in relation to child abuse prevention, investigation and prosecution as priorities. By a NCPA directive in the year 2000, District Child Protection Committees (DCPCs) were set up in the 25 Districts of the country, to implement the protection mandate of the NCPA. This was the first beginning of a genuinely multi-sectoral approach to child protection.

39. In addition to the DCPCs and DMCs there were also Early Childhood Development Committees (ECDC) established at district level. These different Committees worked together but with differing degrees of success in each district. Thus the need was increasingly felt for a more coordinated, efficient and comprehensive mechanism for child protection and development.

40. Beginning in 2003, there was a move towards amalgamating the various Committees on children at district level into one unified body. This process continued through 2004 and 2005. It was completed by the new MoCDWE in 2006. Cabinet approval was obtained to amalgamate the three existing committees – DCPC, DMC and ECDC, into one body called the District Child Development Committee (DCDC). This Committee consists of specified government officials drawn from different sectors as well as representatives from Non Governmental Organizations (NGOs), religious leaders etc. involved in children's affairs. It is anticipated that this Committee will facilitate the monitoring of all aspects in relation to the implementation of child rights in each district; and also enable the adoption of a more holistic and pro-active approach to children's issues.

41. A National Consultation on Working Together in Child Protection was conducted by the MoCDWE and the NCPA in November 2006.

42. This was undertaken in collaboration with United Nations Children's Fund (UNICEF) and other organizations. This consultation brought together a wide range of persons working in children's rights, from the government at central, provincial and district level, the National Human Rights Commission (NHRC), NGOs and independent professionals. The objective of the consultation was to work towards and reach an agreement on a common vision to protect children, learning from past experience, consolidating gains, and moving forward to a better understanding between the many sectoral actors involved and the different levels of government, as well as funding organizations.

43. The Consultation led to recommendations which were discussed at multiple levels and meetings. Some of them included establishing closer links and sharing of information between the DCDCs and the Ministry; decentralization to the lowest possible level; more independence for DCDCs in managing resources; increased participation of children in DCDCs and other structures; and improved donor coordination.

44. Steps towards the development of a more integrated approach to monitoring child rights were accompanied by the establishment of a case management procedure in child protection to be used by DCDCs and the DPCCS in 2004. This process aimed at achieving a more holistic way to address child rights violations, bringing together inputs from all relevant professionals in relation to a particular case. This process initiated by UNICEF was partly a response to the realization that the interventions in child abuse cases in Sri Lanka were dominated by criminal processes, and also that, in many, if not all of the functional DCPCs, (as then they were known) the lead roles were taken by medical doctors with Probation Officers only playing a secondary role. A consultative process was therefore designed to identify the case management procedure from the reporting of a case to its closure, to empower Probation Officers and Child Rights Promotion Officers as case managers, and to raise awareness among other relevant persons (medical, police, social welfare and NGOs) about the way in which a child protection process should work. A series of workshops was organized in 2007 involving 160 officers in six districts. A case management procedure was designed using inputs from these workshops. It was approved at a national workshop by the Secretary MoCDWE, the NCPA, the central DPCCS and Provincial Commissioners of DPCCS. This procedure is now being used by DCDCs.

45. To strengthen coordination at the national level, it was decided to form a National Coordination Committee on Child Protection in April 2008 under the leadership of the MoCDWE. This would be the national level forum for all government and non-government bodies working on child protection to share information, support the functioning of DCDCs, provide a technical forum to promote a common understanding and approach to children's issues, and establish indicators in relation to child protection.

D. Independent monitoring

46. **The Committee recommends that the State party, in accordance with the Committee's general comment No. 2 on national human rights institutions:**

(a) **Ensure that the National Human Rights Commission is provided with sufficient resources to carry out its responsibilities effectively;**

(b) **Consider establishing a bureau for children's rights within the Commission in order to centralize its work on children's rights;**

(c) **Ensure its accessibility to children, in particular by raising awareness of its power to receive, investigate and address complaints by children, in particular those affected by conflict.**

47. The Committee expressed certain concerns regarding the adequacy of human and material resources for the NHRC to deal effectively with its volume of work, of which human rights monitoring is a chief component. These resources have not increased over the past ten years. Recent appointments to the Human Rights Commission, together with appointments to other independent Commissions, have been queried due to the current appointment process.

48. **The Committee recommends that a separate bureau for children within the Commission be set up in order to centralize its work on children. Although this has not been done so far, children's rights have become an important part of the Commission's work over the last decade. The Commission notes that there are institutions specially mandated to monitor the implementation of the Children's Charter and the Convention, and with the restructuring of the Commission in 2001 its stated aim was to work more closely with these institutions.**

49. The Commission's work relating to children has been primarily awareness and education on children's rights, with particular attention to fact-finding and monitoring visits to State children's homes. The Monitoring and Review Division of the Commission implemented a UNICEF-funded project which included visits to several children's homes. During 2004–2005 the Commission made surprise visits to children's homes at least once in every three months. Based on this recommendations were made to safeguard children's rights in such institutions. The institutions visited included Receiving Homes, Remand Home, Certified Schools and the State Detention Home.¹ The strategic plan of the Commission for 2007–2009 has identified children as one of the vulnerable groups on which it intends to focus. It mentions child labour as an area of proposed research and includes surprise visits to State children's homes as a planned activity.

50. The Commission has nine Regional Offices, including in some located in conflict-affected areas. However the number of complaints received by these offices regarding violations of children's rights is low in proportion to other categories of complaints. This observation is based on the statistics during 2004–2005. This indicates that complaints on child rights violations are probably taken to other redress mechanisms, and relates to the existence of a number of bodies at sub-national level dedicated exclusively to children's issues.

¹ See the section on "Alternative Care" for an explanation of these terms.

E. Resources for children

51. **The Committee recommends that the State party:**

(a) **Pay particular attention to the full implementation of Article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those in conflict-affected areas, “to the maximum extent of ... available resources and, where needed, within the framework of international cooperation”;**

(b) **Prioritize the provision of services to children in loan and structural adjustment negotiations with international donors;**

(c) **Collect, and include in the regular budget, disaggregated data on the expenditures for children according to the various areas of the Convention, such as foster care, institutional care, primary and adolescent health care, preschool, primary and secondary education and juvenile justice.**

Prioritizing budgetary allocations, and prioritizing the provision of services

52. While the ratio of public expenditure on education to Gross Domestic Product (GDP) decreased in 2004 to 2.1 per cent, it went up to 2.6 per cent in 2005 and further to 3 per cent in 2007. The Government has allocated 4 per cent for 2008. During 2002–2004 public expenditure on education as a percentage of total Government expenditure was 9 per cent. Total Government expenditure on education rose from Rs.63.6 billion in 2005 to 78.3 in 2006. The total health budget was about 2 per cent of the GDP in 2006, having increased by 29 per cent to Rs.58 billion.

53. A National Child Development Fund was launched by the MoCDWE in 2007. This fund was set up with monies in the foster care schemes of the DPCCS, which were moved from the Department to form a central fund directly under the Ministry. This fund will continue to support the foster schemes but also act as a more flexible source of funding for scholarships for needy children. It can also respond to sudden or urgent requirements of children. It may be noted that “foster care schemes” in this context refer only to schemes whereby persons provide financial support to needy children, and not schemes according to which children are placed in the temporary care of suitable persons or families.

54. In terms of the Plan itself, expenditure on the NCPA is provided under a separate budget line to distinguish it from other sectoral funding. Nevertheless, partly due to the dual system of financing, the funding channels for the NCPA caused some delays in the funds reaching the provinces. After the creation of the new MoCDWE, money is provided by the Treasury direct to the MoCDWE, to be disbursed to the Provincial Councils and the relevant central Ministries. The Steering Committee of the NCPA, is chaired by the Secretary to the MoCDWE, reviews progress of the NCPA by each of the different implementing agencies identified in the Plan, reviews the proposals for funding submitted by them, and decides on the amount to be allocated to each province and sector within the overall funds approved for the Plan by the Treasury. The National Budget Department and the Finance Commission are developing mechanisms to facilitate the forwarding of funds allocated to Provincial Councils.

55. The Provincial Departments of Probation will continue to obtain funds channelled to them through the Central Department. The funds available from the Treasury for the NCPA have been increased in 2008 compared to 2007.

56. Prioritization of resources for children in the context of international financial assistance indicates that the Government has been successful in obtaining substantial support for its child-focused activities.

57. Much of this assistance was related to the Tsunami and is also focused on conflict affected areas of the North and the East. It is important for the international community to retain a balance in terms of allocating funds to all children in Sri Lanka in an equitable manner based on the needs and concerns.

Disaggregated data on the expenditures for children

58. The NMC initiated a process in 2007 to collect disaggregated data on the expenditure for children according to the various subject areas of the Convention, as recommended by the Committee. It is working on building a database with information gathered from the relevant national and provincial Ministries on expenditure specific to children in the national budget. The MoCDWE is taking the lead in this initiative. The necessary information is still in the process of being collated at the time of preparing this report.

59. Lines of financial accounting differ according to the different sectors which span children's rights. This is dependent on whether they are subjects devolved to the Provincial Councils or retained by the Central Government. Health, education, probation and child care (a part of child protection) are devolved subjects, while labour, justice, water and sanitation, and the NCPA (the other part of child protection) fall within the purview of the Central Government. How much of the national budget is allocated to the provinces is determined by the Finance Commission on the basis of an assessment of financial needs for each fiscal year. Budgets for this purpose are submitted by each Provincial Council to the Finance Commission. The amounts which are allocated to the central Ministries are determined by the Treasury based on the allocations submitted by relevant line ministers. Currently the format for provincial budget bids is being standardized.

F. Data collection

60. **The Committee recommends that the State party continue to upgrade its system of data collection to cover all areas of the Convention and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. The State party should consider seeking technical assistance from, among others, UNICEF and UNFPA.**

61. Data collection methods have improved and the extent of areas in which disaggregated data, both qualitative and quantitative, is available has increased over the last decade.

62. Efforts continue to improve the data collection and management systems across the wide spectrum of child rights.

63. The service of a data management expert was obtained by UNICEF, to rationalize their under-age recruitment database. Subsequently advice on improving other key child protection information systems was undertaken. The support was provided with the twin aims of encouraging the adoption of common systems by partners, maximizing opportunities for data sharing and consolidation of reporting.

64. The DPCCS is being supported by UNICEF to build its information management capacity. Work is continuing on mapping care homes and other institutional facilities throughout the country. A new initiative has been developed to capture details of individual children for whom the DPCCS is developing and implementing care plans. The principal purpose of the current database is to produce a statistical profile of the caseload for use by the DPCCS at national and provincial levels. However improvements to the system have been suggested to enable the database to support more effective programming at district

level by highlighting the evolving profile of the local caseload. Implementing the additional facility required for this purpose would require the database to be based at the district level. It has been proposed that the new modules be developed and tested in the districts in which the database is already operating.

65. In 2003 the NCPA commenced the ChildInfo, which is a data collection project funded by UNICEF. This database currently includes cases reported to the NCPA, the police and the print media. The primary aim of the project is to collect information on child abuse and neglect in order to assist those working on children's issues to improve the focus and prioritize their work. The changing role of the NCPA is a signal of a shift from its current role in data collection to the creation of a more overarching system of information gathering, to develop a holistic tool to support child rights programming across the country. This is an ambitious project synthesizing data and statistics from a wide range of different sources. It can provide a comprehensive profile of the situation of children and the services available to them on a geographical basis.

66. Currently a restructuring of the underage recruitment database system maintained under the Sri Lanka Task Force on Monitoring and Reporting on United Nations Security Council Resolution 1612 is being discussed. It is a move from providing only a statistical overview of the caseload to a system supporting detailed case management. Limiting its function to the earlier format carried the risk of reducing the focus on response and action to only addressing reported violations. Most of the field-based agencies involved in monitoring and responding to violations have weak paper-based systems. Thus a common system of electronic information management to which they have access and an input is a positive development. It has been recommended that a decentralized caseload management system be developed for use at field level by individual agencies, with a national level statistical tool to be used to capture summary data from all partners.

67. A data feeding and analysis project to systematize the collection of data on children and women being reported to police stations was introduced in 2004. A project office was installed in the Women and Children Bureau of the police. Computers were installed, and questionnaires introduced to collect data from police stations to be entered into an electronic database.

68. The first phase of the project gathering monthly data on major and minor offences against women and children from all police stations has been completed. The second stage of computerization of the data, tabulation and analysis of the data and reporting is beginning. This project is expected to deliver a systematic baseline of offences against children and women reported to police stations in Sri Lanka.

69. The NMC is setting up a database on allocation of resources for children. It is in the process of collecting information from central and provincial authorities on expenditure specific to children particularly within sectors such as health, education, water and sanitation.

70. The Government recognizes that planning and programming on child rights is not well coordinated with available data and indicators. Ensuring that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects is therefore an ongoing endeavour. The Committee is working towards improving its understanding of the manner in and extent to which available data and indicators have been used in each of the subject areas of the Convention.

III. Definition of the child

71. **The Committee recommends that the State party enact, as soon as possible, a clear legal definition of the child applicable throughout the country and review existing age limits in various areas, including marriage, child labour and the Penal Code provisions on child sexual abuse, in order to bring them into compliance with international standards.**

72. In Sri Lankan law there are differences in the age limits used for children depending on the context. The newer laws and policies show consistency in fixing the limit at 18. The NCPA Act defines a child as anyone under 18, as does the Prevention of Domestic Violence Act of 2005, the Penal Code Amendment of 2006 and the ICCPR Act of 2007. The Children's Charter defines a child as being under the age of 18. The Charter has no legal or binding force, but is a policy document and is intended to further the principles in the Charter as a guide for policymaking and legal reform.

73. The minimum age of criminal responsibility remains at eight years. The proposed juvenile justice reforms, which led to the drafting of the Juvenile Justice Procedure Code, raises the age to ten years. This Code is still under review. For more discussion on this process, see section IX (D) on "Juvenile Justice".

74. The age of marriage in the general law is 18 years. The wording of a recent amendment to the law created some slight confusion at one time as to whether a person below 18 years could marry with parental consent.

75. This was however settled in the Court of Appeal decision in *Gunaratnam v. The Registrar General* 2002 (2) SLR 302, which held that the age of marriage of 18 was absolute, and that there could be no valid marriage with or without parental consent below that age. It has nevertheless been proposed that an amendment be made to the law to remove any possible confusion which may arise on a reading of the legislation.

76. Sri Lanka recognizes certain Special or Personal Laws which apply to particular groups within the country. Muslim law is one such law. Muslim law does not specify a minimum age of marriage. While there have been attempts at various times to change Personal Laws which were not in conformity with international human rights standards, the Government sees change in this area as very difficult to achieve without the demand for such change coming from the relevant communities themselves. The Government nevertheless continues to have personal law reform on its agenda and attempts are made to move forward, for instance by advocating this issue with leaders in the Muslim community.

77. The Human Rights Commission study (above) reviewing the domestic law in conformity with the Convention identified certain laws which provided age limits for children who were less than 18. One of the most important of these laws is the Children and Young Persons Ordinance (which deals with juvenile justice and children in need of care and protection) which defines a child as under the age of 14 and a young person as between 14 and 16. Some protective measures apply equally to both children and young persons, while some apply only to children, particularly in the field of juvenile justice. The Juvenile Justice Procedure Code proposed defining a young person as between 14 and 18 for the purposes of the Code. Another significant law is the Employment of Women, Young Persons and Children Ordinance, which defines a child as under the age of 14 and a young person as between 14 and 18.

IV. General principles

A. Best interests of the child

78. **The Committee recommends that the State party:**

(a) **Integrate, in an appropriate manner, the general principles of the Convention, namely articles 2, 3, 6 and 12, in all relevant legislation concerning children;**

(b) **Apply them in all political, judicial and administrative decisions, as well as in programmes, services and reconstruction activities which have an impact on all children.**

79. The directing Principles of State Policy in the Constitution provide that “the State shall promote with special care the interests of children and youth so as to ensure their full development, physical, mental, moral, religious and social, and to protect them from exploitation and discrimination” (art. 27 (13)). Articles 2, 3 and 6 of the Children’s Charter also enshrine the best interests of the child concept. Neither the Directive Principles of State Policy nor the Children’s Charter is legally enforceable. The concept is also found in a legally enforceable form in several laws. The ICCPR Act No. 56 of 2007 provides that in all matters, whether by public or private social welfare institutions, courts, administrative authorities, or legislative bodies, the best interests of the child shall be of paramount importance [section 5(2)]. The best interests principle is also contained in specific enactments such as the Prevention of Domestic Violence Act and Tsunami (Special Provisions) Act.²

80. In custody and guardianship matters, as the second periodic report explains, the Sri Lankan Courts have applied the “best interests” concept, despite an earlier emphasis on the father’s preferential right to custody of children. The earlier approach however found its way into cases occasionally. In the latest reported case on the issue, *Jeyarajan v. Jeyarajan* 1999(1) SLR 113, the Court of Appeal eschewed the traditional Roman Dutch position on the father’s preferential right, holding it as outdated, and considered the child’s sense of security as paramount. It has been suggested that it would be best to clarify the position by enacting legislation enabling the courts to disregard the older principles regarding the father’s preferential right, to ensure that the “best interests” concept is inevitably the key consideration in custody disputes. The ICCPR Act has in a sense gone further in two respects: it makes the best interests of the child of “paramount importance”; and applies not merely to custodial matters but cuts across all legislative, judicial and administrative spheres. The best interest’s concept also finds expression in the Prevention of Domestic Violence Act of 2005, where the court may prohibit an alleged perpetrator from having contact with a child of a victim of domestic violence where it is in the best interests of the child to do so.

81. The Law Commission has been requested by the Ministry of Justice and Law Reforms to make recommendations regarding the following aspects of the “best interests” principles:

(a) Amendments to the Prevention of Crimes Ordinance to include compulsory finger printing of persons convicted of child abuse to facilitate detection of repeat offenders;

² See Domestic Violence Act and Tsunami (Special Provisions) Act.

- (b) Removal, through legislative intervention, of gender based preferential rights with regard to guardianship of children;
- (c) Reform of testamentary law so as to require mandatory provision for children of deceased;
- (d) Review of family laws, general and special, in so far as they affect children;
- (e) Review of the existing provisions in the Evidence Ordinance enabling video recorded evidence of children to be admissible in courts, in order to identify its effectiveness, and the introduction of more child friendly methods of recording evidence of children in courts;
- (f) Review of the present system of mandatory sentencing in child-related crimes, in order to identify whether such provision has had the desired effect of reducing those crimes.

82. The Law Commission expects to begin research on these areas shortly.

83. The Ministry of Justice together with UNICEF plans to draft a comprehensive Children's and young persons law incorporating the best interest principles and practices for magistrates, the police, probation and all those involved in juvenile justice.

B. Non-discrimination

84. **The Committee recommends that the State party amend its legislation and increase its efforts to ensure the implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.**

85. **The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on article 29, paragraph 1 of the Convention (aims of education).**

86. Article 12 of the Constitution guarantees all persons equality before the law and equal protection of the laws. It provides that no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion or place of birth. However it also provides that nothing in the Article shall prevent special provision being made for the advancement of women, children or disabled persons. Sri Lanka recognizes Personal or Customary Laws of different ethnic/geographic groups alongside the general law. The level of protection provided for children by the Muslim Personal Law in certain areas differ from that provided in the general law.

87. The Supreme Court recently ruled on the right of children belonging to minority faiths, to be admitted to schools where religious instruction in their faith is available (SCFR Nos. 612-616 of 2004). The children on whose behalf these fundamental rights applications were filed claimed that as Christians they had the right to be admitted to a school which offered teaching in Christianity. They argued that failure to ensure this infringed their right to equal protection under Article 12 of the Constitution.

88. Reliance was placed on a Government circular which specified that a separate category of students should be admitted to government schools to maintain the religious ratio existing in the schools at the time the schools vested in the government. The Supreme

Court upheld the need to maintain religious ratios, failure of which amounted to violation of the right to equality, and directed that the children be admitted to the school.

C. Respect for the views of the child

89. Since the submission of the previous report, there has been an increasing move towards ascertaining and taking into account the views of children in policy planning and implementation.

90. Children contributed significantly to the design and development of the NPA. A local and an international NGO in collaboration with UNICEF conducted a series of workshops at provincial level to enable children to provide inputs to the NPA. The children who were aged 14–18 years were selected from children’s organizations and children’s clubs, and by the children in these organizations themselves. Gender, ethnicity and age were used as criteria. Children with disabilities and children from the streets were included as representatives to enable the plan to reflect the problems of children from a wide spectrum of backgrounds.

91. A recommendation of the National Consultation on Working Together in Child Protection (see section II (C) above,) is increased participation of children in the newly formed DCDCs. Currently children participate in the Village Child Rights Monitoring Committees through representatives of Children’s Clubs. These clubs operate at village level and are supported by the DPCCS and NGOs. They are registered as societies with the provincial and central authorities. About 50 Children’s Councils exist at divisional level and their views feed into the Divisional Child Rights Monitoring Committees, which is the next administrative level below the DCDCs. It is proposed to increase the number of Children’s Councils to 300. It is a challenge to enable children’s views to be given consideration by the administrative and political leadership. In this connection, mechanisms and processes are being devised to link these Councils to Divisional Coordinating Committees, Pradeshiya Sabhas (Local Authorities), Provincial Councils and Parliamentarians.

92. In 2001 NCPA with UNICEF support initiated a project to form Child Protection Committees in schools. The objectives of the project were to: find solutions to health and education related problems of students; introduce a new concept of disciplinary control; build awareness of child rights among parents, teachers and students; prevent child abuse; involve children in decision-making; and increase child participation in school programmes. The committee includes the school principal, teachers, students and parents. This is an ongoing initiative.

93. The media has played an important role in increasing children’s participation and ensuring that their voices are heard.

94. The State run Sri Lanka Broadcasting Corporation runs several children’s programmes, providing children the opportunity to display their talents including the chance to produce their own plays. Rupavahini, the State television channel, sponsors children’s societies and give members of these societies’ opportunities in producing programme of their choice, while giving the children guidance and direction. A popular children’s programme has led to 2,050 children’s societies around the country, which function as independent and voluntary entities, and provide feedback to Rupavahini on children’s needs.

95. These initiatives show that child participation is gaining ground in State programming for children. But it was the work of International Non Governmental Organizations (INGOs) and NGOs working with children that signalled a gradual shift from welfare activities to participatory development and the contribution of these groups remain

vital to child participation in Sri Lanka. Non-government led child participation efforts cover a range of areas. Some of these concentrate on specific vulnerable groups, like children in slum communities and children in the plantation sector. Some have a specific focus such as the promotion of ethnic harmony by facilitating interaction among children of different ethnic groups. There are also those to combat substance abuse for purposes of peer education.

96. An area in which the views of adolescents are given greater attention than earlier is in relation to access to sexual and reproductive health information; by, inter alia, the establishment of Youth Friendly Health Services Centers.³

D. Right to life, survival and development

97. In 2001 Save the Children facilitated a consultation on children's priorities for the United Nations Special Session on Children, with the participation of over 11,000 children from all the provinces, including the most vulnerable groups. This culminated in the first ever Children's Parliament with 130 children participating from each Province. The Children's Parliament highlighted economic problems as the primary obstacle in their lives. Lack of a guaranteed income, rising cost of living, lack of employment opportunities were also identified as some factors which encourage crime. A nation-wide children's opinion poll, interviewing 1,500 children between 9 and 16 from all ethnic and socio-economic groups, was carried out in 2005 by Children as Zones of Peace (CZOP), a group of local and international agencies working on children's issues. In this poll, 40 per cent children listed poverty as the most pressing issue affecting them.

98. The Government recognizes that any efforts to uplift the situation of children, in order to be truly effective, must be done in full recognition of the socio-economic context within which they live. Poverty alleviation therefore is a key platform for action. In the present Government's Ten Year Horizon Development Framework (Ten-year Vision), the overall emphasis is on achieving a regionally balanced economic growth to reduce poverty through the implementation of several programmes.

99. The Samurdhi programme described in the second periodic report continues to assist the poorest families and promote socio-economic activities for its beneficiaries.

V. Civil rights and freedoms

A. Freedom from torture

100. **The Committee reiterates its previous recommendation that the State party repeal the Corporal Punishment Ordinance of 1889 and amend the Education Ordinance of 1939 to prohibit all forms of corporal punishment. Furthermore, the Committee recommends that the State party undertake well-targeted public awareness campaigns on the negative impact corporal punishment has on children, and provide teacher training on non-violent forms of discipline as an alternative to corporal punishment.**

101. The Constitution in article II provides that no person shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. Sri Lanka has also executed a law giving effect to Convention against Torture and Other Cruel, Inhuman or Degrading

³ See section on "Basic Health and Welfare", sub-section on "Adolescent health".

Treatment or Punishment which is ratified. Cruelty to children is a specific offence under the penal code and includes any act of wilful assault, ill treatment, neglect or abandonment in a manner likely to cause suffering or injury to the child.

102. The Corporal Punishment Ordinance of 1889 was repealed by the Corporal Punishment (Repeal) Act No. 23 of 2005.

103. The Education Ordinance has not yet been amended as recommended. However a significant step forward was taken by Circular No. 2005/17 of 11 May 2005 issued by the Ministry of Education. This circular repealed Circular No. 1961/26 on physical punishment of school children and Circular No. 2001/11 on maintaining discipline in schools. The new circular prohibits physical assault or corporal punishment in the school system by any adult on a child. The responsibility for compliance with this prohibition is placed on school principals who are expected to take stern action in case of contravention. However changing attitudes, knowledge and the practice of corporal punishment are slow to change. Plan International undertook a mass media campaign (in collaboration with the NCPA) to change corporal punishment practices which was effective. The NCPA undertook training and education of teachers on alternate methods of discipline. A booklet was prepared by the NCPA and distributed to all teachers.

104. The NCPA and the Children and Women's Police Bureau have jointly conducted awareness programmes on physical and verbal abuse for teachers, students, parents, education officers and law enforcement officers.

105. The Ministry of Education established a unit for children/parents to report incidents of corporal punishment. The Committee conducted investigations and recommended action with regard to the offending teacher/principal.

Additional information

106. The Constitution in article 11 provides that no person shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. Sri Lanka has also enacted a law giving effect to the Convention against Torture which it ratified. Cruelty to children is a specific offence under the Penal Code, and includes any act of corporal punishment which causes injuries to the victim. The PDVA was passed in 2005 to protect persons including children from domestic violence, which is broadly defined to include all forms of physical, verbal and emotional abuse between immediate family and specified extended family members.

107. The Child Friendly Schools concept (see section VIII on "Education, Leisure and Cultural Activities) which has been introduced addresses among others, the issue of corporal punishment. One of the criteria for these schools is that corporal punishment and psychological punishment are not practiced and preventive measures and responses to bullying are in place. Schools are required to have a code of conduct on corporal punishment as well as bullying that are clearly understood by the school community. Occurrence of teachers using corporal or psychological punishment and of bullying is to be monitored, and the school Disciplinary Committee is to discuss all incidents of these behaviours to minimize such incidents and to provide support to affected individuals.

108. Further information on measures adopted to tackle child abuse including corporal punishment are provided in section VI (C) on "Abuse and neglect" under "Family Environment and Alternative Care", below.

B. Name and nationality

109. The birth registration rate at national level in Sri Lanka is approximately 94 per cent. However there are certain vulnerable groups such as street children, gypsies and refugee returnees for whom the rate could be lower than the national average.

110. Registration of the birth of a child is mandatory under the law, but implementation of the provisions still need to be strengthened to reach 100 per cent coverage. The ICCPR Act 2007 too provides that every child has the right to have his or her birth registered and to have a name from his or her date of birth, and to acquire nationality.

111. A Universal Birth Registration programme is being implemented by the Registrar General's Department with the support of Plan International Sri Lanka, targeting identified vulnerable groups. The programme will be completed by the end of 2010. There is a system to provide children who do not have a birth certificate with probable age certificates. This is useful for children in institutions who do not have a birth certificate and also to some children who have been displaced.

112. The Citizenship (Amendment) Act No. 16 of 2003 amended the law to enable children to acquire nationality from both parents, whereas under the previous law it was only the father who was able to pass on Sri Lankan nationality to children.

C. Freedom of expression, association; and thought, conscience and religion

113. Constitution article 14 (1) (a) guarantees to every citizen the freedom of speech and expression including publication. The exercise of the right may be restricted if prescribed by law on specified grounds such as in the interests of racial and religious harmony, defamation etc. Judicial decisions have included freedom to receive and impart information as part of this right. A Freedom of Information Bill was drafted and approved by the Cabinet in 2003. More details of initiatives relating to freedom of expression of children may be found in section IV (C) on "Respect for the views of the child", in "General Principles", above.

114. The Constitution in articles 14 (1) (b) and (c) guarantees to every citizen the freedom of peaceful assembly and the freedom of association. Both may be restricted in the interests of racial and religious harmony, and the freedom of association may additionally be curtailed in the interests of national security.

115. Article 10 of the Constitution guarantees freedom of thought, conscience and religion to all persons. This right may not be restricted in any circumstances. The Minimum Standards for voluntary children's homes⁴ provides that a suitable environment should be created and arrangements made for children in homes to follow their respective religions and the management should not act in any way contrary to such beliefs.

D. Protection of privacy

116. The right to privacy of people is included in the civil law of delict (or tort), and is also found in specific legal provisions. Although the Constitution does not guarantee the right to privacy, the proposed draft constitution has included this right giving recognition to this gap in rights protection. The Constitution in Article 106 confers the discretion on

⁴ See section on "Alternative care" under "Family Environment and Alternative Care".

courts, tribunals or other institutions to exclude the public to from proceedings relating to family relations or sexual matters whenever considered desirable. An amendment to the law of evidence in 1999 allows video-taped evidence of preliminary interviews of child victims or witnesses.

117. Creating greater awareness of these provisions is seen as necessary in order to ensure that they are used in appropriate cases, and this is being looked into by the Women and Children Police Desks. The Law Commission has included the under-utilization of the provisions on video-taped evidence as an area for further study in a research project examining selected areas of the law aimed at ensuring that the best interests of the child are safeguarded in legal proceedings.⁵

118. There are provisions in several laws which prohibit the publication of particulars of children involved in legal proceedings in such a way as to enable their identification. Nevertheless the media, while not publishing the name and address of child victims, continues at times to publish other details regarding the victim's family etc. which enable the identification of the victim. This is also relevant in the case of child combatants, particularly those who "surrender". More advocacy is needed to prevent the exposure of their identity in the media.

VI. Family environment and alternative care

A. Children of migrant workers

119. **The Committee recommends that the State party develop a comprehensive policy to support the families and caregivers of children of migrant workers in their child-rearing responsibilities and limit the institutionalization of children of migrant workers to measures of last resort, while promoting the placement of all children in need of alternative care with their extended families or other family types of care whenever possible.**

120. Sri Lanka is developing a comprehensive policy to support the families and caregivers of children of migrant workers which also helps them to respond to their child-rearing responsibilities. The Government has in collaboration with ILO begun a process towards the formulation of a National Policy on Labour Migration. Three thematic working groups are developing this policy. One group deals with the provision of support and assistance to families of migrant workers. The Ministry of Labour has conducted a programme in central province to establish a protective "safety net" for the children of migrant women. This includes mobilizing teachers, family health workers and volunteers to monitor their well being and follow up if there are protection, health and education issues. There are plans to expand this scheme to other areas. The Policy once formulated can therefore be expected to fill this gap and cover the needs of families and caregivers of migrant workers' children in carrying out their responsibilities.

121. The Sri Lanka Bureau of Foreign Employment (SLBFE) has some measures in place to support families of migrant women workers, despite the fact that the legislation governing the SLBFE concentrates on the protection of only the migrant worker herself. Migrant workers are required by law to register with the SLBFE, which has a number of responsibilities relating to migrant workers' safety and welfare. It provides compulsory training for female migrant domestic sector workers, and it is planned to extend training requirements to migrant workers in garment factories. It is mandatory for migrant workers

⁵ See the "Best Interests of the Child" sub-section in the "General Principles".

to register with the SLBFE, and with registration workers have the facility of signing up to an insurance scheme. There is little or no provision regarding the consequences of mother migration on the families, such as support services for the families. The SLBFE in high migrant areas extends its mandate to provide services to families of migrant workers. It sends out welfare officers to schools to look into the problems of children of migrant mothers, but the coverage of this service needs to be made comprehensive and sufficient follow-up conducted. Institutionalization of children of migrant workers has not so far emerged as a serious issue although it does occur.

122. That part of the above recommendation on promoting the placement of all children in need of alternative care with their extended families or other family types of care will be dealt with under “Alternative care”, below, since it is more general in nature and goes beyond the subject of migrant workers’ children.

Additional information

123. Sri Lanka continues to have a high number of women migrating for employment, mainly to the Middle East and West Asia. The estimated extent of Sri Lankan female overseas contract workers is over 900,000 (figures for 2006). A study by Save the Children, below, indicated that about 75 per cent of women migrant workers are married, and of these as many as approximately 90 per cent have children. A sharp decrease in the number of females migrating in 2006 may be an indication of a reversal in the trend of female migration, although it is too early to draw any conclusions.

124. A study was commissioned by Save the Children in 2006 to ascertain the impact on families of mothers migrating for work.⁶ The study used a random sample of 1,200 households of mothers who had migrated and been absent from their families for over six months, in the two districts of the country with the highest incidence of female migration – Colombo and Kurunegala. The research team included ten child researchers aged 10-16 who were trained on children’s rights and child-friendly research methodologies. The child researchers were actively involved at all stages of the study, including participating in the research advisory group meetings. The study was done with two control groups, one of families where the mother did not work and the other where the mother did work but in Sri Lanka.

125. The study found that the area in which mother migration appeared to have the biggest impact was on the education of children. This may be connected to the finding that in families in which the mother migrated she had a higher level of education than the father or other primary caregiver in her absence (who was very often the grandmother).

126. Girl children of migrant mothers fared much better in school than boys. The vast majority of children felt positively about the caregiver in whose charge they were left. The study did not reveal high rates of child abuse, or high levels of violence by fathers against children, either sexual or otherwise. The experience of some providers of assistance for abused children nevertheless suggests that the children of migrant workers are possibly more susceptible to incest. Nearly half of the children in families where the mother migrated were under six years old.

127. High levels of migration are found in poor and remote parts of the country. Access to social services in these areas is inadequate. A majority of families said that they did not get the desired support from public services and were unaware of any services available. The study recommends that the SLBFE Committees within Divisional Secretariats provide

⁶ Left Behind, Left Out – the Impact on Children and Families of Mothers Migrating Abroad for Work, Save the Children in Sri Lanka, 2006.

programmes on childcare needs before the mother migrates, so that the families better understand the long-term implications of migration and equip themselves to handle the situation. The Probation and Child Care authorities need to ensure that childcare plans are drawn up when migrant mothers register for departure, and monitor their progress.

128. Provincial Departments of Probation and Child Care, supported by DCDCs and Divisional Secretariat offices, should bring in childcare support mechanisms such as day care centres. The Ministry of Education needs to ensure that principals and teachers are especially vigilant about educational and behavioural aspects of children of migrant mothers. The remittances from migrant mothers were not found to have been properly utilized for the long term benefit of the family, it was therefore, recommended that the SLBFE provide more support to families in managing their finances effectively and in a way which prioritizes the wellbeing of children.

129. Improvements have been made to the training provided to migrant workers by the SLBFE over the past years. The period of training has increased from one week to three weeks. Spouses of migrant workers are brought into the training. Better follow-up with the families is however needed. This may be more effective if taken over consciously by another government agency, i.e. the DPCCS, which has expertise in supporting children. Unfortunately women migrants in their anxiety to leave quickly for employment are reluctant to participate in long term and more intensive training.

130. In March 2007 there was a proposal by the MoWECD to ban women with children under five from migrating for work and to require those with older children to obtain Government approval before migration on proof that the children would have proper care givers on their departure. This restriction was considered as a solution to the problem of small children being left without proper care when mothers migrate. Groups with interests in migrant worker rights contended that this was not an appropriate response to the problem. This scheme was therefore not implemented in the absence of greater employment opportunities for unskilled women locally who are those who mostly migrate. In the absence of such opportunities, the focus of the solution should be providing greater support to families of migrant workers. This has led the Government to reconsider this proposal.

B. Alternative care

131. The Committee recommends that the State party proceed with its intention to amend the Orphanages Ordinance No. 22 of 1941 to criminalize running an orphanage without a license, and establish a uniform set of standards for public and private institutions and voluntary homes and monitor them regularly.

132. In terms of the Orphanages Ordinance No. 22 of 1941 running an orphanage (voluntary home) which has not been registered is an offence which is punishable by a fine or imprisonment (section 2 with section 18 of the Ordinance). These provisions are difficult to strictly enforce. A quantitative study on Voluntary Residential Institutions for Children in Sri Lanka conducted by the Mode in collaboration with UNICEF found that 137 of the 488 voluntary homes were not registered. 36 had not even initiated the registration process. However, lack of registration did not necessarily imply absence of contact with public services, but registration is a key factor in attracting the full weight of assessment and monitoring by the State childcare system. Currently the DOCKS together with the Provincial Commissioners of Probation and Child Care is carrying out a process of registration of unregistered homes, many of which are located in the North and East, with a large number which sprang up during the Tsunami in 2005.

133. Thus amendments have been proposed to the Orphanages Ordinance with a view to tightening monitoring of children's homes. As a one-off, registration is inadequate to

ensure that homes continue to maintain the necessary minimum standards. There is a new requirement proposed to re-register homes every three years. Then re-registration can be done only on satisfactory compliance with the minimum standards, applicable to voluntary homes and recently revised. Financial transparency of voluntary home will also be enhanced. A board of management should be established for every home, which will hold a quarterly progress review meeting including representative of the DPCCS. The proposed changes will also aim to reduce the institutionalization of children by requiring that every child be first assessed by the Provincial Commissioner or an appointed person prior to admission. The aim of this change is to minimize children being sent to homes for financial reasons. The proposed law also strengthens the requirements of record keeping in children's homes. As childcare is a devolved subject, these matters must ultimately be legislated on by each Provincial Council. The Western Provincial Council has taken the lead in initiating the required legal reform.

134. NCPA in collaboration with ILO has drafted a set of Regulatory Standards for Child Care Homes designed to apply both public and private institutions. These are currently being reviewed.

C. Abuse and neglect

135. **The Committee recommends that the State party:**

(a) **Expand current efforts to address the problem of child abuse, including through the adoption and implementation of the Domestic Violence Act, and ensure that there is an effective national system for receiving, monitoring and investigating complaints and, when necessary, prosecuting cases, in a manner which is child-sensitive and ensures the victims' privacy;**

(b) **Ensures that all victims of violence have access to counselling and assistance with recovery and reintegration;**

(c) **Provides adequate protection to child victims of abuse in their homes, whenever possible, through restraining and removal orders against the alleged perpetrator in cases where the removal of the child is necessary, preference should be given to foster care or similar family-type settings and institutionalization should only be resorted to in exceptional cases.**

Efforts to address child abuse and to strengthen the complaints system

136. The Prevention of Domestic Violence Act (PDVA) was a landmark piece of legislation enacted in 2005. It was enacted to protect persons from ongoing or imminent acts of domestic violence. Children are protected both as direct victims of violence and as children of those suffering violence. Domestic violence is defined by reference to specified existing offences and to include emotional abuse, committed against an inclusive list of persons such as spouses, ex-spouses, cohabiting partners, children, grandchildren, siblings, cousins, nieces and nephews. An application to Court in respect of a child victim may be made on his or her behalf by the parent or guardian, a person with whom the child resides or a person authorized in writing by the NCPA. The Act does not create any new offence, but provides for the granting of Protection Orders against the perpetrator of any violence which falls within the definition in the Act. The failure to comply with a Protection Order is however a punishable offence. An application under the Act must be inquired into within 14 days, and the Court has the power to grant an interim Protection Order ex parte. While criminal prosecution may be taken in parallel with proceedings under the PDVA, this Act provides a much-needed mechanism to obtain speedy relief against domestic violence. The types of Protection Orders which may be granted are dealt with in section VI (C) below.

137. The Penal Code (Amendment) Act No. 16 of 2006 strengthened the law against child abuse by requiring – computer service providers to take steps to prevent the use of computer facilities for sexual abuse of children; and persons having care, control or possession of premises to inform the police if they know such premises are being used for child abuse.

138. The act also improves an obligation of a person who provides a service by computers to prevent such computer facilities being used for sexual abuse against a child. It also criminalizes the soliciting of a child for the purpose of sexual abuse of a child and the recruitment of a child for armed conflict. One of the principle features of the 2006 legislation is the inclusion of psychosocial or mental trauma in the definition of injuries for the purposes of awarding compensation to the victim of certain offences.

139. In February 2008 the MoCDWE began a toll-free children’s helpline, currently operating between 8.30 a.m. and 4.30 p.m. About 130 calls were received in the first week of operation, with a subsequent decrease in the number of calls over the next two months. Calls needing an urgent response are immediately connected to the police unit of the NCPA. Others are directed to relevant authority depending on the subject matter of the complaint. The call centre operates in coordination with not only sectoral government agencies like the DPCCS, but in addition the Health Ministry and the Legal Aid Commission, but also NGOs providing counseling and drug rehabilitation services.

140. The procedure for care and protection of child victims of abuse and neglect is governed by the Children and Young Persons Ordinance (CYPO). Upon recommendation of the Probation Officer (although the court is not bound to follow the recommendation), the court may issue a range of orders relating to care and protection of a child: place the child with his/her parents or guardian on condition they exercise proper care; place the child under the supervision of a Probation Officer (while remaining in parents’/guardian’s custody); place the child with a fit person other than the parents/guardian; or place the child in an institution. The decrease in admissions to certified schools and receiving homes from 2004 to 2006 may be an indication that fewer children are being placed in institutional care by the courts. The ICCPR Act of 2007 supplements the existing provisions by providing that every child has the right to be protected from maltreatment, neglect, abuse or degradation.

141. Judicial awareness programmes are being conducted to increase judges’ understanding of the range of options for orders under the CYPO. The aim is to encourage judges to place children within a family environment as far as possible, and to always address their own mind to the question of what is in the child’s best interests, even if the resulting intervention is not the one recommended by the Probation Officer. From October 2007–April 2008 the Judges Institute which is the body responsible for training judges, in collaboration with the Ministry of Justice and Law Reforms, UNICEF and Save the Children, held five two-day residential workshops in four Provinces for Magistrates from all over the country on “Understanding the Best Interests of the Child in Contact with Criminal Justice Processes in Sri Lanka”. The evaluation and recommendations made by the Magistrates are being studied with a view to developing recommendations to build a common policy of implementation of the CYPO by all Magistrates.

142. The Women and Children Police Bureau annually targets areas which report the highest number of cases of child abuse to conduct awareness and prevention programmes. These programmes involve stakeholders including children, probation and child care services, medical and educational staff, lawyers and police. A decrease in the numbers of cases reported in certain towns could be linked to such programmes. UNICEF supports

some of the Women and Children Police Desks by supplying private space, office equipment and transport facilities.⁷ However these Desks still suffer from lack of adequate human and material resources to operate efficiently. The Child Interest Unit was established in the Attorney General's Department in 2004. It is a special cell dedicated to deal with the prosecution of child abuse cases and clear the backlog of such cases.

Additional information

143. Statistics from the Women and Children Police Bureau indicates a rise in the reported cases of child abuse from the year 2000 to 2003 (2000 to over 3000 cases). There is a levelling off of cases to between 3000 and 3500 in the years 2004–2007. Incidents of sexual abuse, including rape, form a very high proportion of child abuse cases. It is 2,142 of the 3,072 cases reported in 2004; and 2,385 out of the 3,208 cases in 2007. Other types of abuse include assault, child labour and abductions. A sudden increase is indicated in 2007 of cases reported on the attempted murder of children, rising from relatively low figures of 8, 14, 12, and 13 in the period 2003–2006, to 29 as of October 2007.

144. In addition to police data, the NCPA and the DPCCS maintain data on child abuse complaints received by each institution. It is likely that there is an overlap in the data, with one complaint going to one or more of the agencies. There is as yet no method to cross check the data and arrive at a single data base with information from all three sources amalgamated. The number of child abuse cases recorded by the DPCCS tends to mirror the police data while being slightly lower.

145. The number of complaints to the NCPA tend to be much lower than received by the police or the DPCCS (around 300–500). In 2008 the NCPA received 150 complaints of child abuse in the first two months of the year. The increase however could be the cumulative effect of the many awareness programmes on child abuse conducted over the recent years. One area in which there has been a sharp increase in complaints is child labour, from under 40 cases in 2003–2005 to around 80 in 2006. The NCPA has introduced a more disaggregated data system, enabling the breakdown of figures on the basis of sex, age, perpetrator etc. The highest proportion by far of abuse victims is in the 10–14 age group, and more girls than boys are victims (although this may vary within the different categories of abuse).

Counselling and assistance with recovery and reintegration

146. The NCPA runs two Rehabilitation Centers for Trafficked Children. The rehabilitation programme focuses on all aspects of the victim's reintegration into the community, including:

- (a) Developing individual action plans with the participation of the child;
- (b) Developing economic potential leading to economic independence for adolescents;
- (c) Involvement of families before reunion takes place;
- (d) Finding alternatives such as foster parenting where return to family is not possible or desirable.

147. A post-rehabilitation programme has also been developed to reintegrate children into their families and communities. Personnel are being specially trained to provide post rehabilitation counseling and detect complications where they occur under an initiative

⁷ Law & Society Trust, Sri Lanka: State of Human Rights 2005, p. 260.

supported by ILO. This is expected to be a model for replication in other parts of the country.

148. ILO also supported the introduction of a Diploma in Counselling at the Sri Lanka Foundation Institute, to develop the required levels of competence for professional counsellors, which is a gap in service provision for victims of abuse.

149. The DPCCS runs the Paraththa National Training and Counseling Centre for girls. There is also a centre for underage mothers run by a local NGO under the supervision of the DPCCS. There are currently 21 girls in this shelter, who will be kept there and provided rehabilitation until their legal proceedings are terminated. If a girl wishes to continue schooling after giving birth, she is transferred to another children's home without revealing her background. The baby will be kept in the nutrition centre attached to the main centre even after the mothers are transferred. Counseling and assistance with recovery and reintegration are also offered by several NGOs.

150. In terms of training, the National Institute of Social Development now offers a diploma in child protection. This is currently being carried out in the Ruhuna University in the South but plans are being made to extend the course to the Eastern Province. In 2008 the Institute began a Masters course in social work. Training in Family Group Counseling has commenced for Probation Officers and Child Rights Promotion Officers, currently completed in the Southern Province. Forty trainers will be trained in June 2008 to implement this programme in other areas.

Protection of victims of child abuse

151. The PDVA provides protection to victims of abuse in their homes through restraining and removal orders against the alleged perpetrator. Protection Orders may contain a wide range of prohibitions including entering or occupying the residence of the victim, even where it was shared by the perpetrator, and entering the victim's school. An Order may prohibit contact with any child of a victim other than on conditions prescribed by court, where the court is satisfied that it is in the best interests of such child.

152. Despite an increasing recognition among policymakers that institutionalization of children is better avoided where possible, the Government concedes that alternatives to institutionalization are not frequently used. This is linked to a number of factors. The organizational tendency of childcare officials in Sri Lanka is traditionally towards institutionalization. This may be partly a reflection of the lack of human and financial resources to monitor alternative care options such as fostering. There is still a belief that institutions are "safe" for children, whereas placing them with a family which is not their own has several perceived risks. One is that, given the low income of many families, there may be interest to foster solely for the support money which is given to the foster family. There is also the apprehension that these children may end up as child labour within the foster family.

153. Seeds of change in the pro-institution mindset are visible in some recent, relatively small-scale projects being implemented with government cooperation. A de-institutionalization project in Galle in the Southern Province aims to facilitate children in homes to be reunified with their families. The children's parents or guardians are traced where possible and children return to their homes. Where there are problems in taking the children back, such as lack of shelter, these are identified and assistance provided. Where reunification with the child's family is not possible attempts are made to find foster caregivers or to arrange for adoption. There is a huge demand for both local and foreign adoption.

Additional information

154. The principal form of alternate care provided for children consists of children's homes. There is State as well as non-State (or voluntary) institutions. State institutions include:

- (a) Remand homes (for children accused of crimes to stay until the outcome of a court case or children in need of care and protection to be referred to places of safety);
- (b) Certified schools (for rehabilitation of children convicted of crime);
- (c) Detention homes (for children in difficult circumstances, e.g. street children);
- (d) National training centres (for victims of child abuse and child offenders).

155. Receiving homes (originally intended for children under five years in need of care and protection but now also accommodates older children).

156. In the non-State sector there are voluntary remand homes and approved schools (similar to State remand homes and certified schools respectively), and voluntary homes for a wide range of children, some run by charities and some by religious organizations. Voluntary homes include homes for children with disabilities. Persons between 16 and 22 years convicted of crime may be sent by the court to training schools in terms of the Youthful Offenders (Training Schools) Ordinance, which come under the Prisons Department. The largest number of institutions is by far the voluntary homes.

Table 1

Number of homes and number of children during 2006

<i>Type</i>	<i>No. of homes</i>	<i>No. of children</i>
Remand home	5	1 052
Certified schools	5	179
Receiving homes	8	292
Detention homes	1	123
Approved schools	1	6
National training and counseling centres	2	88
Voluntary remand homes	4	222
Voluntary children's homes	488*	18 804**
Total	514	20 766

Source: Department of Probation and Child Care Services (DPCCS) Statistical Report 2006.

* According to UNICEF and Department of PCCS survey the number of voluntary residential homes is 468. 52 of them are for children with disabilities. The total number of children in these homes is 18804.

** This figure does not include the children in nine of the voluntary homes, due to the inability to assess these homes in the survey.

157. Voluntary homes accommodate around 19,000 of the children who are in institutions. This is based on the figure of 18,804 children in the homes included in the survey, above, plus an estimate of the number of children in the nine voluntary homes which could not be included in the survey. Of the 479 homes surveyed 179 were for boys, 171 for girls and 129 for both sexes. Fifty two of the voluntary homes are for children with disabilities.

158. The geographical distribution of the voluntary homes is uneven. While the Western and Eastern Provinces have over a hundred voluntary homes each, in most other Provinces the number is less than 40. The Provinces of Uva (14) and North Central (12) have the least. Statistics from the DPCCS indicate a gradual increase in the number of voluntary homes over the past decade. A sharp rise in the number indicated from 2005 to 2006 is attributable to the survey (above) which provided more accurate data than had been gathered in previous years.

Table 2

Voluntary residential homes – 2006

Province	Number of voluntary residential homes for		Number of children
	Normal children	Physically challenged children	
Western	107	15	5 004
Southern	30	3	815
Central	35	6	1 392
North Western	42	3	1 653
Sabaragamuwa	19	10	783
Uva	14	3	648
North Central	12	5	549
Northern	73	4	4 041
Eastern	104	3	3 919
Total	436	52	18 804*

Source: DPCCS Statistical Report 2006.

Note: According to UNICEF and Department of PCCS survey, the number of voluntary residential homes are 488 and 52 of them are for children with disabilities. The total number of children in these homes is 18804.

* This figure does not include the children in nine of the voluntary homes, due to the inability to assess these homes in the survey.

159. Statistics from 1998 indicate a decrease in children in remand homes and certified schools, which institutions are specifically for children in conflict with the law. One of the remand homes is for girls whereas the other four are for boys only. Although one new remand home and certified school have come up in 2006, this has not resulted in an increase in the number of children. There is however an increase in the number of children in the one detention home in Halpatota, from 95 in 1998 to 123 in 2006, with a peak of 218 in 2004.

Table 3

Number of remand/certified/receiving homes, 1998–2006

Year	No. of remand homes	Children in remand homes	No. of certified homes	Children in certified homes	No. of receiving homes	Children in State receiving homes
1998	4	1 711	4	219	8	297
1999	4	1 460	4	276	8	363
2000	4	1 327	4	239	8	272
2001	4	1 159	4	249	8	272
2002	4	1 161	4	242	8	326

Year	No. of remand homes	Children in remand homes	No. of certified homes	Children in certified homes	No. of receiving homes	Children in State receiving homes
2003	4	1 121	4	204	8	316
2004	4	1 394	4	238	8	373
2005	4	1 418	4	179	8	340
2006	5	1 052	5	179	8	292

Source: DPCCS Statistical Report 2006.

Table 4
Halpatota detention home, 1998–2006

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006
Children	95	69	142	145	183	197	218	153	123

Source: DPCCS Statistical Report 2006.

160. A statistical breakdown according to age reveals that a large majority of children in remand homes are between 11 and 16 years. A notable feature is that there are a few children (10) below seven years in these homes when the age of criminal responsibility in Sri Lanka is eight. This may be a reflection of the fact that victims in child abuse cases are sometimes accommodated in the same institutions as children in conflict with the law. The majority of children in certified schools are between 14 and 16 (94) and the next largest group are 12–14 years (60).

Table 5
Remand homes – 2006 (according to age)

Age	Total
Below 7 years	10
Between 7–10	52
Between 11–16	862
Over 16	128
Total	1 052

Source: DPCCS Statistical Report 2006.

Table 6
Certified schools – 2006 (according to age)

Age	Total
Between 8–12	10
Between 12–14	60
Between 14–16	94
Over 16	15
Total	179

Source: DPCCS Statistical Report 2006.

161. The number of children in receiving homes over the last decade has stayed at generally between 270 and 370 a year. Of the 291 children who left receiving homes in 2006, 75 were handed back to their parents or guardian, 72 were adopted and 31 were placed in foster care. A majority of children however – 89, were not de-institutionalized but moved to voluntary homes.

Table 7

Placement of children discharged from State receiving homes, 2006

<i>Placement</i>	<i>Female</i>	<i>Male</i>
Handing over to parents/guardian	36	39
Legal adoption	45	27
On FIT person orders	12	19
To voluntary homes	58	31
Other	14	10
Total	165	126

Source: DPCCS Statistical Report 2006.

162. A Circular was issued by the DPCCS (S3/Gen/15 dated 15 October 1991) fixing general (minimum) standards of quality of services in voluntary children homes. These relate to the children's food, clothing, education, equipment, building and environment, staff, record keeping and placement review.

163. Compliance with these standards by homes is inconsistent, and tighter monitoring and control are necessary to enforce them.⁸ The Circular was revised in 2007, to make provision inter alia for more family contact for children, improved management, and taking into account children's views in decisions affecting their welfare.

164. A study in 2005 of children's rights in institutional care by Save the Children found that most children entering care were not orphans. Indeed only 8 per cent were recorded as having both parents' dead. In half of the cases both parents were recorded as being alive but in 18 per cent of those cases they had separated. One parent was recorded as being alive in 29 per cent of the cases. State institutions reflect this picture. The main cause for institutionalization stated in the records of children in voluntary homes was poverty. This occurs despite a Government Circular (12/76 of 1976) stating that children should not be institutionalized due to economic reasons. Other causes for institutionalization include sexual abuse and children in conflict with the law.

VII. Basic health and welfare

A. Children with disabilities

165. **The Committee recommends that the State party:**

(a) **Ensure that all children with disabilities, particularly girls, have access to education by increasing spending and expanding special education programmes,**

⁸ Out of Sight, Out of Mind – Report on Voluntary Residential Institutions for Children in Sri Lanka: Statistical Analysis, MoCDWE-UNICEF, 2007.

including non-formal special education in rural areas, and by training teachers in mainstream education about special needs;

(b) Register and monitor all special schools run by non-State actors;

(c) Take all necessary measures to integrate children with disabilities into society and include them in cultural and leisure activities.

Access to education

166. The requirement of compulsory education applies to all children between the ages of 5 and 14 years. In terms of the Protection of the Rights of Persons with Disabilities Act No. 28 of 1996 no person with a disability shall be discriminated on the ground of such disability in, *inter alia*, admission to any educational institution. The Act establishes a National Council for Persons with Disabilities to protect and promote the rights of such persons.

167. The Ministry of Social Welfare (now Ministry of Social Services and Social Welfare) coordinated the drafting of a National Policy on Disability which was approved by the Cabinet of Ministers in 2003. With regard to children, the thrust of the policy is an inclusive approach for children with disabilities in all programmatic interventions.

168. The Ministry however found that few children with disabilities are included in mainstream children's programmes and activities of both the State and the NGO sector, whether it be in early childhood development, training of preschool teachers or elsewhere. This is related to the reluctance of the parents to avail themselves of this approach and preferring special education. The few childhood disability programmes which do exist are implemented parallel to mainstream programmes without adopting an inclusive approach. This is therefore an area in which more parent education is needed. The Policy makes the Convention on the Rights of the Child its explicit reference point in dealing with children.

169. In November 2002 a Review of Inclusive Education for Disabled Children by UNICEF found that the terminology which had been used for such children, "children with special needs" was understood widely by teachers and support staff as including mainly children with psychological, social and economic problems, and not only children with disabilities. The National Policy on Disability recognizes the need to identify these children as well as the challenge of doing so without labelling them, so as to enable their particular needs to be met. It sets a framework for providing quality education to children with disabilities through developing and modifying where necessary the work which is currently being done in inclusive education. It is hoped to incorporate this approach more fully in the continuing implementation of the Education Reforms of 1997, and build on the steps already taken to expand inclusive education. However since there is a continuing need for Special Education, there are currently 850 special education units in government schools and 25 special schools providing special education services.

170. The Education Reforms of 1997 require every child entering primary school to be assessed, with parental involvement, by both a medical officer and the class teacher. These assessments are continuously done until they complete primary school. This enables schools to pick up and keep a check on children with disabilities to ensure that appropriate follow-up action is taken and records maintained. Other recent initiatives such as the Child Friendly Schools concept, activity-based learning and extended continuous assessment have expanded the scope of education for children with disabilities.

171. The Department of Social Services operates a Child Guidance Centre which provides services and support to children with disabilities and their families. The Centre is established as a focal point to coordinate the different services necessary for children with disabilities, such as health, education and welfare services.

172. Over the past decade Teacher Training for Inclusive Education has been improved by the National Institute of Education. This has incorporated the following:

- (a) Continuous education of In-Service Advisors (ISAs or Master Trainers) in primary and inclusive education;
- (b) Training of inclusive education zonal officers for administration, follow-up and monitoring;
- (c) Preparation of curricula to train these staff as well as school teachers, who will be trained by the Master Trainers;
- (d) Preparation of curricula for training specialist teachers in inclusive education at the National Colleges of Education;
- (e) Preparation of teaching-learning materials to deal with the special issues of primary school children with disability in keeping with the Education Reforms of 1997;
- (f) Degree and post-graduate degree (MA) in special education.

173. In addition a three-year course for resource teachers for inclusive education was started at the Hapitigama National College of Education. Special education teachers are also trained through two-year courses at the Teachers' College. These teachers work mostly in non-State schools. The Education Reforms of 1997 saw the establishment of the Department of Special Needs Education in the Open University of Sri Lanka in 2005. The Department currently plans to set up a Learning Centre for children with special needs with donor support.

Special schools run by non-State actors

174. With regard to registering and monitoring special schools run by non-State actors, please see the section on amendments to the Orphanages Ordinance.

Additional information

175. Some children with disabilities attend schools either by being included in the ordinary classroom or in special education units attached to ordinary schools. Others attend Special Schools which are run by NGOs and privately, either by choice or because they cannot fit into either of the options offered in ordinary schools. However there are many children with disabilities who do not go to any school for a variety of reasons.

176. Data collection on children with disabilities needs to be strengthened, with the accuracy of numbers in this area being questioned in recent years. Current statistics from the Ministry of Education show that 22,500 children between 5–14 years are disabled. Sex-disaggregated data on children with disabilities from earlier years may be seen in the table below.

Table 8

Gender – disaggregated data in State-run schools for the years 2000–2001 for children with disabilities

	<i>Total</i>	<i>Males</i>		<i>Females</i>			
		<i>Males</i>	<i>Females</i>	<i>No.</i>	<i>%</i>		
Year 2000							
Primary schools	50 788			30 646	60.4	20 142	39.6
Secondary schools	28 235			16 423	58.2	11 812	41.8
Collegiate	1 277			717	56.1	560	43.9

	<i>Total</i>			<i>Males</i>		<i>Females</i>	
		<i>Males</i>	<i>Females</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Total	80 300			47 786	59.5	32 514	40.5
Year 2001							
	4 184 957	2 087 644	2 097 313	57 958		41 656	1.96
Overall year 2001	Total pupils 4 184 957	Total with disability 99 024		Percentage 2.37			

Source: Ministry Of Human Resources, Education and Cultural Affairs, Special Education Unit, 2002.

177. The subject of disability falls under the Ministry of Social Services, and therefore the children with disabilities would be with that Ministry. In practice, when it comes to institutionalization of such children, the DPCCS appears to be responsible to find homes for children with disabilities when necessary in addition to other children's homes in terms of evaluation of residential care services and related policies. There is room for improvement in the coordination of policies and activities between the two government agencies to ensure a holistic and inclusive approach to the overall well-being of children with disabilities. The State supports families with children with disabilities under a programme which entitles them to a monthly grant as well as aids to daily living such as wheelchairs and hearing aids. Under the Community Based Rehabilitation programme of the Ministry of Social Services action has been taken to improve the accessibility of services for persons with disabilities, with priority being given to the provision of access to facilities and information, awareness and training programmes.

178. There is however a continuing need to expand accessibility of existing services specifically for children with disabilities. Policymakers also point to the need to strengthen the information network on children as well as adults with disabilities. This includes the process of identification of disabilities and assessment of the special needs of such children.

179. While there is some focus on improving the situation of children with disabilities of school-going age, more attention must be given to the needs of such children under five. The advantages of early detection of disability through relatively well-developed maternal and child health system should be better exploited. Programmes on early childhood development have scope for this too. Interventions need to focus more on care and stimulation to overcome the consequences of disability and promote maximum development.

180. Increasing such opportunities for physical disability and expertise for such conditions as autism and dyslexia are identified as priorities. At present, the Ministry of Health's Early Childhood Care and Development (ECCD) programme does not specifically address interventions for children with disabilities. Therefore areas requiring greater attention include parental counselling, awareness regarding available services for children with disabilities, and community awareness regarding support and non-discrimination.

181. A Cabinet decision was taken in 2005 to recruit 3 per cent of persons with disabilities to government institutions each year. Another challenge is to expand and strengthen vocational training for young people with disabilities. Implementation of this decision is still to be undertaken.

182. The Government has preventative programmes in relation to disability. Screening of pregnant women at antenatal clinics is undertaken to enable early detection of disability before birth. This occurs in cases of consanguinity, blood group incompatibility etc.

183. The Ministry of Health has begun a school to train prosthetist-orthotists, in order to cater to the needs of amputees and others with physical disabilities. Training is ongoing, including for individuals from the North and East, with the potential to assist persons injured by war including landmine victims. It is expected to establish 24 training centres across the island.

184. For information on the Unit on Youth, Elderly and Persons with Disability established in the Ministry of Health, please see section VII (C) on “Adolescent health”.

B. Basic health and health services

185. **The Committee recommends that the State party:**

(a) **Ensure universal access to maternal and child health-care services and facilities throughout the country with special attention to conflict-affected areas;**

(b) **Prioritize the provision of drinking water and sanitation services in reconstruction activities;**

(c) **Strengthen ongoing efforts to prevent malnutrition, malaria and other mosquito-borne diseases and continue to promote exclusive breastfeeding for an infant’s first six months, and extend these programmes to all conflict-affected areas;**

(d) **Seek technical assistance, from, among others, UNICEF.**

Access to maternal and child health services

186. Sri Lanka has sustained its efforts since independence to provide universal access to maternal and child health-care services and facilities.

187. Sri Lanka’s record of a consistent decline in under five mortality and maternal mortality is underpinned by the wide network of free maternal and child care services in Sri Lanka, which includes clinic and domiciliary services provided by trained Public Health Midwives.

188. The Family Health Bureau (FHB) of the Ministry of Health provides a range of services including antenatal, intra-natal and postnatal maternal care; infant and child care including immunization, growth monitoring and psychosocial development; nutrition for pregnant mothers and children. Others are school health services and the promotion of adolescent reproductive health. The FHB provides technical support and guidance for programme management at sub-national level, while monitoring and evaluating these activities at all levels. The Bureau’s Medical Information System (BMIS) which was established in the 1980s was revised in 2000 and an improved system was in place from January 2001. The Bureau works closely with other key government health agencies such as the Epidemiology Unit, Health Education Bureau, Population Division of the Department of Health, as well as the Provincial Health Authorities. It coordinates school health education activities with the Health Education Bureau and Education Ministry including provincial and district education officers and the National Institute of Education. A cornerstone of the Maternal and Child Health Programme is the provision of maternal and child health care at homes through Public Health Midwives to undertake home visits.

189. Three Child Health and Welfare (CHW) Surveys carried out by the Department of Census and Statistics in collaboration with UNICEF in 2003, 2004 and 2005/6 are useful in comparing indicators for maternal and child health services and facilities in conflict-affected areas and in other areas. The first survey was carried out in Matale and Nuwara Eliya in the Central Province, Badulla and Moneragala in the Uva Province, Ratnapura in the Sabaragamuwa Province, Hambantota in the Southern Province, and Anuradhapura in

the North Central Province. The second survey was done in Ampara, Batticaloa and Trincomalee in the Eastern Province and Jaffna, Mannar and Vavuniya in the Northern Province – all conflict-affected areas. The third survey was done in Killinochchi and Mullaitivu, which are conflict-affected and “uncleared” (LTTE-controlled) areas in the Northern Province. A summary of the first and second surveys (taken from the second survey) is found at Annex A of this report.

190. Please note that reference is made to all three surveys in the course of this report, often for purposes of comparison of indicators between the North and East and the rest of the country. Some comparisons are between only the 2003 survey which covers seven districts outside the North and East, and the 2004 survey which covers six districts of the North and East excluding the “uncleared” (LTTE-controlled) districts of Killinochchi and Mullaitivu. References to the “2004 North East survey” should accordingly be understood to refer to the conflict-affected areas except for these two districts.

191. The latest Demographic and Health Survey (DHS) 2006/7 (Preliminary report – draft) indicates that almost all mothers (99 per cent) see a health professional (a medical doctor or midwife) at least once for antenatal care, reflecting an improvement from the already high percentage of pregnant women attended by trained personnel – 96 per cent, shown in the DHS 2000. The DHS 2006/7 does not include the Northern Province due to prevailing security conditions.

Table 9

Maternal care indicators (excluding the northern province)

Percentage of women who had a live birth in the five years preceding the survey who received antenatal care from a health professional for the last live birth and whose last live birth was protected against neonatal tetanus, and among all live births in the five years before the survey, percentage delivered by a health professional and percentage delivered in a health facility, by background characteristics, Sri Lanka 2006/7

<i>Background characteristic</i>	<i>Percentage with antenatal care from a health professional¹</i>	<i>Percentage whose last live birth was protected against neonatal tetanus</i>	<i>Number of women</i>	<i>Percentage delivered by a health professional</i>	<i>Percentage delivered in a health facility</i>	<i>Number of births</i>
Residence						
Urban	99.4	89.9	768	99.2	98.6	920
Rural	99.4	90.8	4 937	98.6	98.1	5 664
Estate	98.7	89.4	342	96.1	94.3	468
District						
Colombo	99.5	89.8	748	99.1	99.0	862
Gampaha	99.3	90.7	595	99.4	98.5	692
Kalutara	99.7	94.9	359	99.6	99.3	404
Kandy	99.5	84.2	396	99.3	98.5	462
Matale	100.0	95.5	164	98.3	99.8	286
Nuwara Eliya	99.3	93.6	291	95.8	95.0	366
Galle	100.0	89.1	267	99.5	99.4	326
Matara	99.8	99.1	289	98.7	96.6	337
Hambantota	100.0	95.3	191	99.0	99.0	217
Batticaloa	100.0	88.6	234	98.4	97.1	282
Ampara	98.0	74.4	271	6.8	96.0	347
Trincomalee	97.3	79.4	184	6.5	94.4	221
Kurunegala	98.4	89.4	371	97.7	97.9	410

<i>Background characteristic</i>	<i>Percentage with antenatal care from a health professional¹</i>	<i>Percentage whose last live birth was protected against neonatal tetanus</i>	<i>Number of women</i>	<i>Percentage delivered by a health professional</i>	<i>Percentage delivered in a health facility</i>	<i>Number of births</i>
Puttalam	99.5	94.2	237	99.3	96.3	270
Anuradhapura	100.0	96.1	250	98.1	98.1	276
Polonnaruwa	100.0	92.6	195	99.5	99.5	214
Badulla	99.2	85.2	309	96.0	95.8	384
Moneragala	98.7	92.8	206	99.2	98.0	235
Ratnapura	100.0	95.4	272	99.3	99.0	313
Kegalle	100.0	97.7	216	99.4	99.6	249

Source: DHS Survey 2006/7.

¹ Medical Doctor including specialist and midwife.

192. Similar indicators on maternal health for preceding years are found in table below.

Table 10
MCH performance, 2004 and 2005

<i>Indicator</i>	<i>2004 No (%)</i>	<i>2005 No (%)</i>
Pregnant mothers registered at home	336 186 (96%)	338 574 (91%)
Visits to pregnant mothers by PHM		
First visit	337 576	345 811
Subsequent visits	1 390 310	1 377 678
Pregnant mothers registered before 12 weeks	272 709 (74%)	280 034 (76%)
Teenage pregnancies under care	12 246 (7%)	11 993 (6%)
Pregnant mothers protected with rubella vaccine	158 418 (84%)	170 065 (87%)
Post partum visits by PHM (visited once during 1st 10 days)	243 959 (66%)	247 193 (67%)
Infant registered by PHM	296 687 (82%)	297 662 (80%)

Source: H 509- R & E Unit-, Family Health Bureau.

193. The percentage of live births in government hospitals increased from 88.2 in 1998 to 92.2 per cent in the 2005 (table 11), while the latest DHS 2006/7 indicates that nearly 98 per cent of deliveries take place in health facilities (table 10).

Table 11
Registered births and hospital births, 1998–2005

<i>Year</i>	<i>Registered live births</i>	<i>Live births in Government hospitals</i>	<i>% of live births in Government hospitals</i>
1998	322 672	287 514	88.2
1999	328 725	300 866	91.3
2000	347 749	314 352	93.9
2001	358 583	325 813	92.0
2002	363 549 ¹	307 272	84.5

<i>Year</i>	<i>Registered live births</i>	<i>Live births in Government hospitals</i>	<i>% of live births in Government hospitals</i>
2003	363 343 ¹	316 465	87.1
2004	360 220 ¹	336 642	93.5
2005	370 424 ¹	341 539	92.2

Source: Annual Health Statistics 2005 (Medical Statistics Unit).

194. It is significant that the CHW Surveys indicated no significant difference between access to services for mothers in conflict-affected as compared with other areas in relation to births attended by skilled health personnel. Both were over 90 per cent.

195. However when it comes to women attended by health personnel, there was a difference more than 12 times during pregnancy. It was 26.1 per cent in the North and East according to the 2004 survey, and 67.8 per cent in other areas with the liberation of the East from the LTTE, these numbers should improve in the future. The 2005/6 survey shows 49 per cent in Killinochchi and 21 per cent in Mullaitivu.

196. In relation to women who received micronutrients during pregnancy and lactation, the figures are similar in all provinces of the island including the North and East districts excluding Killinochchi and Mullaitivu. The latter indicates a slightly higher overall percentage.

197. The Demographic and Health Survey 2006/7 excludes the Northern Province due to the inability of data collection. However, districts in the conflict-affected Eastern Province are on a par with the rest of the country in its maternal care indicators (table 9), Protection against neo natal tetanus in (74.4 per cent) Ampara and (79.4 per cent) Batticaloa.

198. More information on supply and consumption of micronutrients during pregnancy and lactation is found in section VII (B) on "Malnutrition".

199. Sri Lanka's Expanded Immunization Programme (EPI) has continued to sustain universal coverage levels in all parts of the island since its commencement in the 1970s. Immunization coverage data as well as periodic surveys indicate that virtually all relevant children and women are receiving their vaccines according to schedule. Immunization is provided free through Child Health Clinics. Target diseases have declined to low levels and some are not being detected at all despite active and passive surveillance. No polio cases have been reported since 1993. Only two cases of neonatal tetanus were reported in 2003. There were no reports of laboratory confirmed Diphtheria or Pertussis in the recent past.

200. After measles immunization was introduced to the EPI in 1984 the incidence of measles decreased. There was however an outbreak in 1999/2000 mainly among young people who were born before and just after the immunization was introduced. A new immunization schedule was initiated in 2001, and all children were given a second opportunity to be vaccinated with Measles and Rubella Vaccine (MR) at three years. A measles catch-up immunization campaign was begun in 2003 for children of 10–14 years. The Hepatitis B vaccine and AD syringes were introduced in a phased manner in 2003.

201. While high immunization coverage was achieved due to a well-executed programme, there are some areas where the quality of the EPI could be further improved. These include the cold chain, injection safety, record keeping and prevention of adverse effects of immunization. Training programmes on some of these aspects are being conducted for public health officials in all parts of the island.

202. In 2003 the Epidemiological Unit was recognized by the World Health Organization as a global training centre on Adverse Effects Following Immunization. The first training programme was conducted in Colombo in June 2003 with participants from nine countries.

203. The DHS 2006/7 shows that 97 per cent of children aged 12–23 months are fully vaccinated with BCG, measles, three doses of DPT and polio. The percentage of children with BCG and three doses of DPT and polio is 99 per cent, indicating a slightly lower vaccination rate for measles.

204. Surveys have consequently shown that there were significant disparities in immunization coverage of children in conflict-affected compared with other areas. The coverage is in fact indicated as slightly higher in the Northern and Eastern districts (excluding Killinochchi and Mullaitivu) at 89.8 per cent, with 88.7 per cent in the other districts surveyed.

205. Child mortality levels have steadily declined over the past several decades including the same trend in the period under review. The estate sectors have had marginal levels of child mortality as compared with other areas although the rate has been steadily declining for several years. The Demographic and Health Survey in 2000 shows a higher child mortality rate in the estate sector (as mirrored in the later indicators too, (figure 1). The data indicates a positive link between mothers' educational level and the probability of children dying.

206. Morbidity and mortality rates indicate that diseases of the circulatory system are the highest killer of children of all age groups. Certain infectious and parasitic diseases also feature significantly across the age groups. Respiratory system disorders are responsible for a high proportion of deaths of children under four years, but their prevalence has decreased with the introduction of programmes to reduce acute respiratory infections in young children. Neoplasms as a cause of death have appeared to have increased in prevalence in children over five. This could also be due to better awareness, reporting and detection.

Table 12
Age specific mortality rates per 100,000 persons by broad disease groups, 2001

<i>Disease and ICD code (10th revision)</i>	<i>Under 1</i>	<i>1-4</i>	<i>5-9</i>	<i>10-14</i>	<i>15-19</i>	<i>20-24</i>	<i>25-29</i>	<i>30-39</i>	<i>40-49</i>	<i>50-59</i>	<i>60-69</i>	<i>+70</i>	<i>All ages</i>
1 Certain infectious and parasitic diseases A00-B99	54.1	8.2	4.4	3.4	3.3	4.9	5.7	11.3	20.7	39.7	64.8	140.2	20.6
1.1 Intestinal infectious disease	10.3	3.3	1.3	0.4	0.6	0.7	0.3	0.8	1.6	4.0	9.4	40.6	3.5
2 Neoplasms C00-D48	5.0	3.6	4.6	4.1	4.3	5.0	5.6	11.6	41.7	108.4	206.9	306.6	43.0
3 Diseases of the blood and blood-forming organs and certain disorders involving the immune mechanism D50-D89	3.6	0.7	0.4	0.6	0.2	0.5	0.4	0.5	1.2	3.8	7.4	18.7	2.0
4 Endocrine, nutritional and metabolic diseases E00-E88	4.5	0.3	0.3	0.1	0.5	0.8	1.4	2.3	8.2	25.5	76.2	179.8	15.4
5 Mental and behavioural disorders F01-F99	0.3	0.2	0.2	0.5	0.6	0.8	1.4	5.8	10.5	13.2	17.5	30.4	5.9
6 Diseases of the nervous system G00-G98	28.5	4.9	2.4	2.7	2.5	2.9	3.6	5.3	10.9	31.9	147.8	709.6	43.3
7 Diseases of the eye and adnexa H00-H57	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.1	0.0	0.0	0.0	0.0
8 Diseases of the ear and mastoid process H60-H93	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.1	0.0	0.0	0.0
9 Diseases of the circulatory system I00-I99	86.8	9.7	4.2	4.5	5.3	9.5	13.7	24.9	80.8	237.6	598.4	1 449.8	131.6
10 Diseases of the respiratory system J00-J98	56.1	9.0	2.6	2.1	3.4	4.4	5.4	11.5	28.2	70.7	198.0	488.6	45.2
11 Diseases of the digestive system K00-K92	10.3	1.9	1.1	1.1	0.5	1.6	5.5	25.0	53.6	76.0	80.0	97.4	27.1
12 Diseases of the skin and subcutaneous tissue L00-L98	0.3	0.0	0.0	0.0	0.1	0.1	0.1	0.1	0.3	0.4	1.9	3.7	0.4
13 Diseases of the musculoskeletal system and connective tissue M00-M99	0.3	0.0	0.1	0.2	0.2	0.3	0.2	0.4	0.6	2.1	10.5	50.3	3.0
14 Diseases of the genitourinary system N00-N98	11.2	1.0	1.1	1.0	1.3	2.4	3.1	5.2	12.2	24.1	50.5	101.2	12.4
15 Pregnancy, childbirth and the puerperium O00-O99 ¹					0.3	0.9	1.6	2.3	0.6				0.3
16 Certain conditions originating in the perinatal period P00-P96 ²	799.0												799.0
17 Congenital malformations, deformations and chromosomal abnormalities Q00-Q99	89.5	3.3	2.1	1.9	1.4	1.6	1.5	0.9	1.2	1.5	5.9	36.3	4.9
18 Symptoms, signs and abnormal clinical and laboratory findings, not elsewhere classified R00-R99	82.3	15.7	7.7	6.1	8.0	10.2	11.4	20.7	39.7	95.3	323.8	2 822.2	152.5
19 External causes of morbidity and mortality V01-Y99	28.7	14.4	12.0	14.0	61.4	128.7	130.1	101.6	92.7	90.1	97.0	168.1	79.3
All causes	1 260.5	72.9	43.2	42.1	93.0	174.2	190.1	228.3	402.9	820.4	1 886.7	6 603.0	602.5

Source: Annual Health Statistics 2005.

Based on Registrar General's mortality statistics.

¹ Rates worked out by using the female population of the respective age groups.

² Rate per 100,000 births.

207. A sex-disaggregated comparison of deaths of under 19 year olds in 1997 and 2001 shows a higher death rate for boys in all age groups in both years (except for the 5–9 group in 1997 where the rate is the same). The differential between the sexes is highest in the youngest age groups of 0–4 years.

Table 13
Age and sex specific death rates, 1997–2001

Age	1997		2001	
	Male	Female	Male	Female
All ages	7.9	4.5	7.6	4.5
0–4	4.7	4.1	3.7	3.0
5–9	0.5	0.5	0.5	0.4
10–14	0.5	0.4	0.5	0.3
15–19	1.9	1.0	1.1	0.7

Source: Annual Health Statistics 2005.

Based on Registrar General's mortality statistics.

208. A statistical breakdown by sex and causes of death indicates that there is no significant difference in the impact of any particular cause of death on boys as against girls. These figures indicate relatively higher rate of death of children less than one year due to respiratory diseases.

Table 14
Age and sex specific mortality rates per 100,000 persons for selected diseases, 2001

Disease and ICD (10th revision code)	Sex	All ages	Under 1 year	1–4	5–14	15–24
Neoplasms C00–D48	M	47.3	3.8	3.7	5.3	5.1
	F	38.9	6.3	3.4	3.3	4.2
Anaemias D50–D64	M	1.9	3.3	0.5	0.5	0.4
	F	2.0	1.7	0.8	0.4	0.2
Mental and behavioural disorders F01–F99	M	9.8	0.5	0.2	0.3	1.0
	F	2.1	0.0	0.3	0.4	0.4
Hypertensive diseases I10–I14	M	25.7	2.7	0.0	0.2	0.4
	F	19.7	1.7	0.5	0.0	0.7
Ischaemic heart diseases I20–I25	M	71.3	8.7	1.2	0.7	1.7
	F	30.7	9.7	1.3	0.4	0.7
Diseases of the respiratory system J00–J98	M	58.6	64.9	8.7	2.3	4.3
	F	32.2	46.8	9.2	2.4	3.4
Diseases of the digestive system K00–K92	M	47.0	11.5	2.0	1.2	1.4
	F	7.7	9.1	1.8	1.0	0.7
Transport accidents V01–V99	M	18.2	1.1	1.9	3.0	13.0
	F	3.5	0.6	1.0	1.5	1.5
Accidental poisoning by and exposure to noxious substances X40–X49	M	1.0	0.0	0.5	0.1	0.6
	F	0.3	1.1	0.8	0.1	0.2

<i>Disease and ICD (10th revision code)</i>	<i>Sex</i>	<i>All ages</i>	<i>Under 1 year</i>	<i>1-4</i>	<i>5-14</i>	<i>15-24</i>
Intentional self-harm X60-X84	M	38.7	0.0	0.0	1.1	28.4
	F	10.6	0.0	0.0	0.9	22.3
Deaths from all causes	M	763.1	1 404.6	77.0	48.2	190.0
	F	745.7	1 109.7	68.7	36.9	74.1

Source: Annual Health Statistics 2005.

Based on Registrar General's Mortality statistics.

209. The CHW Surveys indicate a lower prevalence of both diarrhoeal diseases and acute respiratory infections in children in the conflict-affected districts, and within the Northern Eastern provinces with much lower figures for Killinochchi and Mullaitivu.

Additional information

210. Sri Lanka's basic health indicators have continued to improve since the last periodic report. At a glance the latest available data can be gathered from the below.

Table 15

Vital statistics, 1996-2003

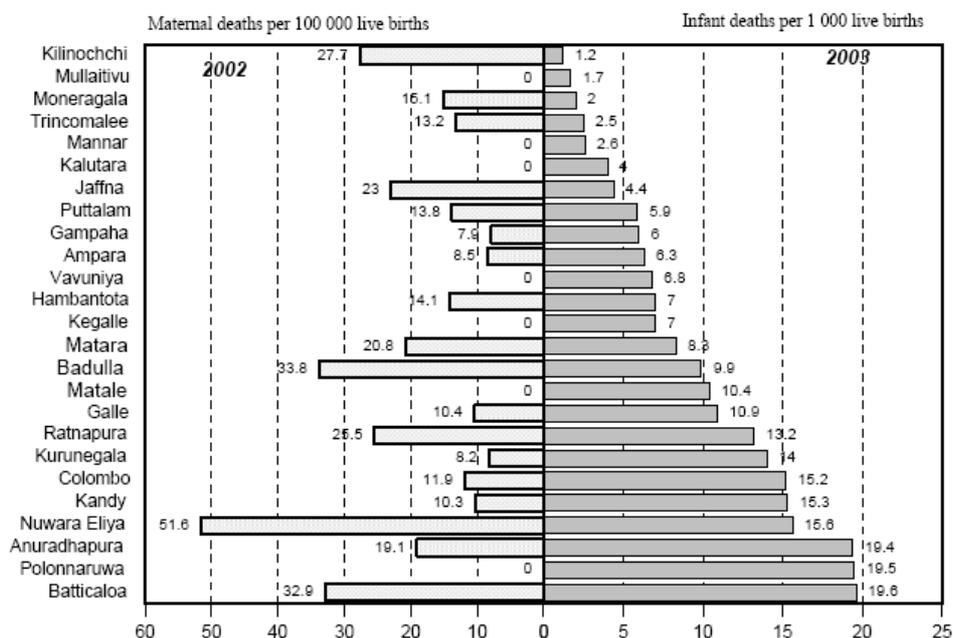
<i>Year</i>	<i>Maternal mortality rate per 10 000 live births</i>	<i>Infant mortality rate</i>	<i>Neo-natal mortality rate</i>
		<i>Per 1 000 live births</i>	
1996	2.3	17.3	12.9
1997	3.5	16.3	12.8
1998	2.7	14.3	10.4
1999	1.9	13.8	10.6
2000*	2	13.3	-
2001*	1.5	12.2	9.5
2002*	1.4	11.2	8.4
2003*	-	11.2	-

Source: Registrar General's Department & Medical Statistics Unit.

* Provisional.

211. While the national indicators remain good, there are regional variations which will continue to require attention. The district of Nuwara Eliya in the Central Province and Batticaloa in the Eastern Province has higher than average maternal mortality and infant mortality rates (figure 1). Batticaloa was affected by the conflict but is now liberated and development activities are ongoing in an accelerated manner. This includes health sector improvements. Nuwara Eliya as a relatively high proportion of estate (plantation) workers, although the under five mortality has declined to a considerable extent it still remains relatively high than other districts hence needs continued attention and inputs which are being provided through the plantation authorities and the Ministry of Health.

Figure 1
District variations in infant and maternal mortality rates



1 : Provisional Data

Source: Registrar General's Department

212. The situation with regard to live births, maternal deaths, still births and low birth weight in 2005 in Government hospitals across the districts is given in table 16 below. Over 90 per cent of registered live births take place in Government hospitals and are attended by trained health personnel. Maternal deaths are reported to three agencies: the Registrar General's Department, the Medical Statistics Unit (Government hospital data only) and the Family Health Bureau. There are certain discrepancies in these three sources. A study in 2000 revealed that the actual number of maternal deaths could be 3.9 times the number reported in the civil registration system (to the Registrar General's Department).⁹ It may however be assumed that this under-reporting, while affecting the total numbers of maternal deaths, does not affect the consistently declining their downward trend. The study suggests that maternal deaths may not be identified because of non-registration and problems relating to the accuracy with which the reporting causes of death occurs as well as the coding. Further it disclosed that 72 per cent of deaths have occurred due to direct obstetric causes and 23 per cent due to indirect causes. It has therefore been suggested that the current database be re-examined to improve the accuracy and quality of maternal mortality data.

213. In the latest available figures for 2005 the maternal mortality rate is highest in Batticaloa (8.6 per cent) followed by Ampara (6.3 per cent). Both districts are in the Eastern Province. This is in comparison with the national rate of 3.1 per cent with the liberation of the Eastern Province, added inputs to the health sector, and a decline in the prevalence of violence, the situation could improve in the future. In relation to still births and low birth weight, Batticaloa (15.6 per cent and 20.1 per cent respectively) in the Eastern Province, and Kandy (18.6 per cent and 20.6 per cent) and Nuwara Eliya (11.9 per cent and 32.7 per cent) in the Central Province, have high rates for both these indicators in

⁹ Department of Health Services, *Annual Health Bulletin 2003*, p. 7.

comparison with the average (10.5 per cent and 17.6 per cent). Delivery care and antenatal care is provided to all women.

Table 16

Live births, maternal deaths, stillbirths and low birth weight in Government hospitals, 2005

District	In Government hospitals during 2005						
	Live births	Maternal deaths		Still births		Low birth weight ⁴	
		No.	Rate ¹	No.	Rate ²	No.	Rate ³
Colombo	51 177	25	4.9	495	9.6	9 240	18.1
Gampaha	27 014	14	5.2	196	7.2	3 678	13.6
Kalutara	16 576	-	-	143	8.6	2 612	15.8
Kandy	28 758	2	0.7	546	18.6	5 934	20.6
Mutale	8 979	-	-	99	10.9	1 662	18.5
Nuwera Eliya	9 948	4	4.0	120	11.9	3 253	32.7
Galle	19 034	-	-	166	8.6	2 135	11.2
Matara	13 760	-	-	188	13.5	2 923	21.2
Hambantota	7 916	2	2.5	66	8.3	1 057	13.4
Jaffna	10 262	4	3.9	144	13.8	1 573	15.3
Kilinochchi	2 590	-	-	30	11.5	321	12.4
Mannar	1 496	-	-	10	6.6	210	14.0
Vavuniya	3 002	-	-	22	7.3	462	15.4
Mullativu	1 497	-	-	21	13.8	306	20.4
Batticaloa	9 315	8	8.6	148	15.6	1 872	20.1
Ampara ⁵	12 715	8	6.3	103	8.0	2 046	16.1
Trincomalee	7 383	3	4.1	79	10.6	1 144	15.5
Kurunegala	25 302	14	5.5	243	9.5	4 107	16.2
Puttalam	12 164	1	0.8	78	6.4	1 560	12.8
Anuradhapura	16 749	5	3.0	178	10.5	2 976	17.8
Polonnaruwa	7 564	-	-	64	8.4	1 338	17.7
Badulla	14 526	4	2.8	141	9.6	3 370	23.2
Moneragala	6 285	1	1.6	43	6.8	1 321	21.0
Ratnapura	18 363	8	4.3	220	11.7	3 190	17.1
Kegalle	8 891	2	2.2	95	10.6	1 722	19.4
Sri Lanka	341 539	105	3.1	3 638	10.5	60 012	17.6

¹ Per 10,000 live births.

² Per 1,000 births.

³ Per 100 live births.

⁴ Birth weight less than 2,500 grams.

⁵ Includes Kalmunao DPDH Division.

Provision of drinking water and sanitation

214. The CHW Surveys 2003, 2004 and 2005/6 looked at access to safe drinking water and sanitation facilities in households with children under 18. These aspects have been given attention in reconstruction activities as indicated by the figures. A higher percentage of households in the 2004 North East survey (91 per cent) have access to safe drinking water than the districts outside (87.5 per cent), Jaffna (96 per cent), Batticaloa (94 per cent) and Trincomalee (93 per cent) have the highest access to safe drinking water among all 15 districts surveyed. Almost all urban households in districts in the North and East according to the 2004 survey (98 per cent) have safe drinking water facilities while the figure for rural households is 89 per cent. The 2005/6 survey reveals that Mullaitivu has by far the lowest access from all the districts surveyed with a mere 54.7 per cent.

215. 66.5 per cent of the households in the 2004 North East survey have access to water seal toilets, one of the most hygienic facilities available, while the figure is 70 per cent in the districts outside the North East. Jaffna has the highest proportion of water seal latrines (76 per cent). Significant district variations exist with just over 20 per cent in Killinochchi and as little as under 5 per cent in Mullaitivu. Sector-wise differentials in the 2004 North East survey (as in the other areas surveyed) are wide with 85 per cent of urban households as against 62 per cent of rural dwellings. The proportion of households with no toilet facility within the premises however is significantly higher even in the Government-controlled conflict-affected areas surveyed (21.7 per cent) in comparison with the districts outside the North East (5.9 per cent).

216. An Emergency Health Unit was set up in February 2008 under the Ministry of Health to coordinate health sector responses in the context of natural and man-made disasters.

Prevention of malnutrition, malaria and other mosquito-borne diseases and promotion of exclusive breastfeeding, including in conflict-affected areas

217. The Ministry of Health implements programmes to promote Infant and Young Child feeding practices including attention to exclusive breast feeding for four to six months and supplementation using locally based foods. This is implemented through the Maternal and Child health (MCH) clinics and Public Health midwives who visit homes where there are under-5 children. All newborns are provided with a Child Health Development chart and weighed monthly in the MCH clinics.

218. Thriposha is the national supplementary food programme provided to malnourished pregnant and lactating mothers, infants and preschoolers, aimed at enhancing their nutritional status. Thriposha has been locally produced since 1979. It is composed of maize, soya, full cream milk powder and vitamins and minerals. About 10,441 metric tons of Thriposha is produced annually to provide for around 580,000 recipients. Sri Lanka introduced vitamin A supplementation to lactating mothers in 2001 through advocacy of a new policy, to ensure adequate supply of protective micronutrients to the baby, and thereby control malnutrition as well as preventable childhood defects. The Government continues to supply other micronutrients to pregnant and lactating women such as iron, folate, vitamin C and calcium. All such services are provided free.

219. The DHS 2006/7 indicates that 22 per cent of children are underweight, reflecting the effects of both acute and chronic malnutrition, with 4 per cent classified as severely underweight. 18 per cent are stunted, with 4 per cent being severely stunted; while 15 per cent are wasted, with 3 per cent severely wasted. The percentage of underweight children is higher in the districts of Ampara and Batticaloa in the East at 27 per cent, but highest in the district of Badulla in the Uva Province at 32.8 per cent. There are sector-wide differentials.

The lowest proportions of underweight children are in urban areas at 16.6 per cent and the highest in the estate areas at 29.7 per cent.

Breastfeeding

220. There are now new initiatives for collaborative arrangements between UNICEF and the Government to implement interventions for children under five. The package will contain educational and nutritional programmes at village and community level, and include breastfeeding counselling, vitamin and nutrient supplementation, promotion of proper complementary feeding and treatment of acute malnutrition. The interventions will focus on strategies to promote good nutrition practices in both family and the community.

221. Until 2002, the policy in Sri Lanka was to recommend exclusive breastfeeding for the first four months since birth. This was extended in 2005 to a period of four-six months and thereafter for six months in accordance with WHO recommendations. A rise in exclusive breastfeeding for the first four months occurred from 19 per cent in 1993 to 52 per cent according to the 2000 (DHS 1993 and 2000).

222. The DHS 2006/7 shows 75.5 per cent of children 0–5 months are being exclusively breastfed, while the figure is 87.2 per cent for children 0–3 months. The CHW Surveys which included the Northern Province suggests a lower number of mother's breastfeeding exclusively for the first four months in the Northern Province.

223. The latest package of interventions planned by the Government in collaboration with UNICEF to combat malnutrition focuses on feeding practices including promoting breastfeeding for an infant's first six months.

Table 17

Nutritional status of children (excluding the northern province)

Percentage of children under five years classified as malnourished according to three anthropometric indices of nutritional status: height-for-age, weight-for-height and weight-for-age, by background characteristics, Sri Lanka 2006/7

Background characteristic	Height-for-age		Weight-for-height		Weight-for-age		Number of children
	Percentage below -3 SD	Percentage below -2 SD	Percentage below -3 SD	Percentage below -2 SD	Percentage below -3 SD	Percentage below -2 SD	
Sex							
Male	5	18.7	3.2	16.4	3.9	22.3	3 436
Female	3.3	17.2	2.7	13.6	3.6	20.8	3 212
Residence							
Urban	2.9	13.7	3.4	14.9	3	16.6	855
Rural	3.5	16.7	2.8	15.2	3.5	21.7	5/348
Estate	15.3	42.2	3.6	12.6	8.7	29.7	446
District							
Colombo	1.4	8.4	2.1	13.2	1.5	14.1	831
Gampaha	1.2	10	2.4	10.9	2.3	11.6	675
Kalutara	3.1	15.9	1.8	12.1	4.3	16.9	357
Kandy	2.4	18.1	2.1	15.7	4.4	25.3	449
Matale	6.7	19.2	2.5	11.8	4.8	23.2	188
Nuwara Eliya	13.5	40.8	2	10.5	5.4	25.3	346
Galle	2.5	16	1.1	14.3	2	23.2	319
Matara	2.7	14.8	2.9	17.4	2	12.2	320

Percentage of children under five years classified as malnourished according to three anthropometric indices of nutritional status: height-for-age, weight-for-height and weight-for-age, by background characteristics, Sri Lanka 2006/7

Background characteristic	Height-for-age		Weight-for-height		Weight-for-age		Number of children
	Percentage below -3 SD	Percentage below -2 SD	Percentage below -3 SD	Percentage below -2 SD	Percentage below -3 SD	Percentage below -2 SD	
Hambantota	5.8	18.8	3.7	20.9	4.2	12.8	206
Batticaloa	7.7	24.4	6.7	19.4	5.5	27.5	272
Ampara	2.7	14.1	4.7	19.3	2.1	22	322
Trincomalee ¹	11.3	30.5	10.2	28.1	6.4	27.8	192
Kurunegala	4.2	18.6	2.8	13.3	3.9	20.6	381
Puttalam	1.4	14	1.2	11.7	1.9	19.2	236
Anuradhapura	2.5	15.3	3.4	14.6	2.9	25	264
Polonnaruwa	0.6	16	3.2	17.9	5.3	25.6	188
Badulla	8.7	33.1	3.7	17.5	7	32.8	352
Moneragala	7.4	21.7	3.9	19.8	7.8	26.6	230
Ratnapura	5.5	19.3	2.9	12.3	5.5	23.9	292
Kegalle	2.8	17.5	1.2	15.6	4	23.3	230

Source: DHS Survey 2006/7.

Note: Table is based on children who slept in the household the night before the interview. Each of the indices is expressed in standard deviation units (SD) from the median of the WHO Child Growth Standards adopted in 2006. The indices in this table are NOT comparable to those based on the previously used NCHS/CDC/WHO standards.

¹ It should be also noted that out of 65 clusters selected, the survey was conducted only in 45 clusters.

Mosquito-borne diseases – Malaria

224. The control of mosquito-borne diseases, especially malaria, dengue, and most recently chikungunya, has been a major challenge to Sri Lankan health authorities. The incidence of malaria has been fluctuating in Sri Lanka. After reduction in the mid-1990s the incidence of malaria rose again. A significant reduction however took place in 2002–2003, due primarily to the continued efforts of the Malaria Control Programme. While a higher percentage of malaria patients were detected in the Northern and Eastern districts, this decreased from 70 per cent in 2002 to 60 per cent in 2003. The country is committed to the Roll Back Malaria Initiative of the WHO, which is based on six strategies: enhanced diagnosis and treatment, disease transmission control, enhanced surveillance, health sector development, community mobilization and advocacy. In addition to the regular anti-malaria programmes, a number of activities were conducted under this initiative in five districts, including three from the North East.

225. One of the strongest measures against malaria is the use of Insecticide-Treated mosquito Nets (ITN) while sleeping. The DHS 2006/7 shows that 62 per cent of Sri Lanka households have mosquito nets. However the figure is low for the estate sector at 15.6 per cent. The survey indicates that one out of five women is taking anti-malarial medicine during pregnancy.

226. A significant proportion of those who contract malaria are children. The frequency of occurrence and mortality appear to increase with age (see table 18).

Table 18
Distribution of malaria cases by age – 2005

Age group	2004		2005	
	Frequency	Percentage %	Frequency	Percentage %
Under 1 yr	26	1	13	1
1–5 yrs	290	8	152	9
6–9 yrs	339	9	178	11
10–14 yrs	524	14	216	13
Over 15 yrs	2 541	68	1 081	66
Total	3 720	100	1 640	100

Source: Malaria Control Unit.

Other mosquito-borne diseases

227. While the availability of immunization could have contributed to the decrease in Japanese Encephalitis (JE), Dengue Hemorrhagic Fever (DHF), for which there is no vaccine, has proved harder to control, (see table 19). An increasing percentage of DHF cases is in the under 19 age group – 31.2 in 2002, 39.7 in 2003 and 44.8 in 2005. The fatality rate in the 1–9 age group is particularly high.

Table 19
Cases, deaths and case fatality rate (CFR) of Japanese encephalitis and dengue hemorrhagic fever, 1990–2005

Year	Japanese encephalitis				Dengue haemorrhagic fever			
	Cases		Deaths	C.F.R.	Cases		Deaths	C.F.R.
	No.	Rate			No.	Rate		
1990	387	2.3	43	11.1	1 350	7.9	54	4.0
1991	325	1.9	25	7.7	1 048	6.1	31	3.0
1992	291	1.7	27	9.3	656	3.8	15	2.3
1993	289	1.6	52	18.0	756	4.3	7	0.9
1994	230	1.3	41	17.6	582	3.3	7	1.2
1995	173	1.0	32	18.5	440	2.4	11	2.5
1996	307	1.7	44	14.4	1 294	7.1	54	4.2
1997	164	0.9	19	11.9	980	5.3	17	1.7
1998	122	0.7	3	2.5	1 275	6.9	8	0.6
1999	102	0.5	3	2.9	1 688	6.8	14	0.8
2000	83	0.5	2	2.4	3 333	19.8	37	1.1
2001	66	0.4	9	13.6	3 771	19.9	47	1.3
2002	113	0.6	15	13.2	2 977	15.6	64	2.2
2003	133	0.7	20	15.0	1 605	8.3	32	2.0
2004	129	0.7	9	6.9	4 001	20.5	88	2.2
2005	65	0.3	6	9.2	2 039	10.4	34	1.6

Source: Epidemiological unit.

Based on special surveillance.

Incidence rate per 100,000 population.

Case fatality rate (CFR) percentage.

Table 20
Cases and deaths of Japanese encephalitis and dengue hemorrhagic fever by age groups, 2005

Age group	<i>Japanese encephalitis</i>				<i>Dengue haemorrhagic fever</i>			
	<i>Cases</i>		<i>Deaths</i>		<i>Cases</i>		<i>Deaths</i>	
	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>	<i>No.</i>	<i>%</i>
Under 1	2	3.1	1	-	51	2.5	0	-
1-4	9	13.8	1	16.7	208	10.2	8	28.6
5-9	5	7.7	1	16.7	300	14.7	4	14.3
10-14	6	9.2	0	0.0	193	9.5	2	7.1
15-19	11	16.9	1	16.7	162	7.9	2	7.1

Source: Epidemiological unit.
 Based on special surveillance.

228. Several measures have been taken by the Government to prevent the spread of dengue. A special sentinel surveillance system was set up in 48 large hospitals to report all suspected dengue cases directly to the Epidemiological Unit. Existing units such as the Anti-Malaria Campaign and Medical Research Unit have been co-opted to carry out dengue vector surveillance and control activities.

C. Adolescent health

229. **The Committee recommends that the State party continue to strengthen its efforts to address youth suicide, drug abuse, alcoholism and tobacco use and develop a comprehensive policy on adolescent health which, inter alia, supports the implementation of the recommendations of the Presidential Task Forces, promotes collaboration between State agencies and NGOs in order to establish a system of formal and informal education on HIV/AIDS and STDs, and ensures access to reproductive health counselling and services for all adolescents. The State party should make use of the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37) and the Committee's general comment No. 3 on HIV/AIDS and the rights of the child, in order to promote and protect the rights of children infected with and affected by HIV/AIDS.**

230. The Government has formulated a National Policy on the Health of Adolescents. This policy covers the subject areas of suicide, drug abuse, alcoholism and tobacco use, and will encompass many of the ongoing efforts and initiatives in relation to adolescent health as well as supporting the implementation of the recommendations of the Presidential Task Force. The Policy focuses on resource allocation for young people, youth-friendly health services, psychosocial well-being, and prevention of substance abuse, sexual health education, and nutrition, recreation, non-discrimination and gender equality. The policy also includes reproductive health with special emphasis on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS) and Sexually Transmitted Infections (STI) prevention.

231. It is expected that the National Strategy and Action Plan which will flow from the policy will further strengthen existing collaboration between State agencies and NGOs in STD/HIV education, as well as increase access to reproductive health services for adolescents.

232. While the National Policy specifically targeting adolescents is under preparation, the Population and Reproductive Health Policy currently in operation covers adolescent health, by including as one of its eight goals the promotion of responsible adolescent behaviour. Under this Policy, in 2005 the Government established Youth Friendly Health Services Centers in response to the need for health services specifically targeting young people. The number of centres has now increased to 20. The aim is to establish three centres in each district. They are run mostly by the Government but there is also NGO collaboration in this venture. Counselling by trained personnel, referral services and training of health care providers are carried out through these centres.

233. Following the recommendations of the Presidential Task Force on suicide, the Penal Code was amended in 1998 to decriminalize attempted suicide. While the rate remains still too high, in comparison to other countries, the suicide rate in Sri Lanka has been declining according to more recent figures. The number of youth suicides also shows a decrease, with the number of suicide victims between 8 and 20 years of age going down from 633 in 2000 — to 574 in 2001 — to 400 in 2003. Figures indicate that males are more likely to commit suicide than females in all age groups. Responding to the findings of the Presidential Task Force on drugs, alcohol and tobacco use, a National Authority on tobacco, alcohol and drug abuse prevention was recently established. A nationwide anti-alcohol and anti-tobacco campaign for young people is currently underway.

234. The Unit on Youth, Elderly and Persons with Disability was set up in the Ministry of Health. The objectives include improving the quality of life of these groups through improving their health facilities and disease prevention. The Unit trains peripheral Health and Education department staff to conduct life skills training, and teacher counsellors on reproductive health counselling in collaboration with the National Institute of Education (NIE); develops health learning materials to train trainers; and is involved in preparing the National Policy on Health for Young People.

235. The National STD/AIDS Control Programme (NSACP) continues its work as the modal agency responsible for implementing and coordinating activities at central and regional level on prevention of STDs including HIV/AIDS. NSACP strategies include screening, case detection and management, partner notification, contact tracing, counseling, condom promotion and surveillance of STD. In 2003 there were 24 full time STD clinics and 14 branch clinics operating throughout the country. Of the 14,389 persons registered with the STD clinics during 2003, 49 per cent were diagnosed as having one or more sexually transmitted infection. Retro-viral therapy is available in Government hospitals for HIV+ persons including to HIV positive mothers during pregnancy. The Government has introduced a PMCT (Prevention of Mother to Child Transmission) screening and testing programme for STD/HIV as a priority.

236. The estimated numbers of adults 15+ in 2008 were males, 2346, and females 1481. Estimated new infections were 353, number of AIDS deaths 230 and the total need for Anti Retroviral Therapy (ART) 817. The total number of children living with AIDS is 55, with those needing ART 20. The number of women needing PMCT is 59.

237. In 2004 UNICEF in collaboration with the Government conducted a National Survey on Emerging Issues among Adolescents in Sri Lanka. The objective was to obtain a profile of Sri Lankan adolescents between the ages 10-19 years, including: an assessment of their life skills; factors affecting their well-being; substance abuse; sexual behaviour and sexual abuse; vulnerability to STDs; and knowledge on reproductive health. The survey covered 29,911 school going adolescents from all the districts, and 10,079 out of school adolescents from urban, rural and estate areas.

238. In general, about 70 per cent of adolescents showed a positive outlook in relation to many aspects of life skills. Life skills indicators improved with increasing age and socio-

economic status. No gender differences were indicated in the attainment of life skills. Among school-going adolescents fear of failing examinations was the most common worry, while financial problems, parental disharmony and absence of mother from home were the other worries. For out of school adolescents, financial problems were the major worry, and the fear of not finding a job, being unable to study and parental disharmony were among others. Only 60 per cent of adolescents positively concluded that their life in general was happy. The survey indicates that families have a strong influence on Sri Lankan adolescents. Both the current smoking prevalence and alcohol use is 6 per cent for boys, and 1 per cent for girls. The smoking prevalence increases to 32 per cent in the 17–19 boys' age group. About 2.3 per cent of school going adolescents and 4 per cent out of school ones admitted trying some form of mood-altering drug.

239. Knowledge on reproductive health is an area which needs further attention. The knowledge among 14–19 year olds was very limited (overall less than 50 per cent) and over 70 per cent of 10–13 year olds were not aware of the physiological changes occurring in their bodies during that time. Similarly knowledge on STDs and HIV/AIDS was poor. Indicating significant gender variation, the prevalence of heterosexual experience of boys in school 14–19 years was 14 per cent while it was 2 per cent among girls.

240. With regard to district variation, on average, adolescents from the North and East and the estate sector appeared to be relatively disadvantaged. But the variations were not considered so wide that the interventions recommended should be geographically confined. Some of the recommendations in the survey include:

- (a) Identifying innovative, effective and feasible strategies to improve life skills among adolescents;
- (b) Improving self-esteem through improved life skills, and communication and interpersonal skills for improved empathy and family relations;
- (c) Tobacco and alcohol abuse prevention programmes sufficiently innovative to counteract the natural curiosity of adolescents;
- (d) Evaluation of effectiveness and coverage of existing awareness programmes on STDs and HIV/AIDS, to ensure educating the target group;
- (e) Implementation of laws on child abuse, and training teachers and health workers on child abuse prevention.

241. Over the period 2000–2003, the number of detected HIV+ cases has increased from 47 to 50 to 68. Over the period 1987–2003 there were detected 12 HIV+ cases of children under 10, 1 case of 10–14 years and none in the 15–19 age group. UNAIDS estimated that there were 3500 people living with HIV/AIDS in Sri Lanka by the end of 2003.

VIII. Education, leisure and cultural activities¹⁰

A. The legal framework

242. **In light of articles 28, 29 and 31 of the Convention, as well as general comment No. 1 on the aims of education, the Committee recommends that the State party:**

¹⁰ Much of the information and analysis in section 8.1 is taken from Ministry of Education, Education For All – Mid Decade Assessment Report Sri Lanka 2008 and World Bank, Treasures of the Education System in Sri Lanka: Restoring Performance, Expanding Opportunities and Enhancing Prospects, 2005.

- (a) **Ensure that primary education is in fact free and compulsory for all children;**
- (b) **Provide additional information on the reforms and adequate material resources for their implementation to principals, teachers and parents in rural and conflict-affected areas;**
- (c) **Establish a participatory mechanism for monitoring and evaluating the implementation of the education reforms which involves principals, teachers, parents and students;**
- (d) **Ensure that there is a sufficient number of trained teachers in rural and conflict-affected areas;**
- (e) **Include human rights education as part of the curriculum.**

Making the primary education free and compulsory for all children

243. The Constitution of Sri Lanka states that “the complete eradication of illiteracy and the assurance to all persons of the right to universal and equal access to education at all levels” (Constitution of Sri Lanka, art. 27).

244. The Education Ordinance no. 31 of 1939, provided the principal legal basis for the system of education; advocate the compulsory school attendance, regulated under Regulation No. 1 of 1997 which requires schooling for all children between the ages of five and fourteen years.

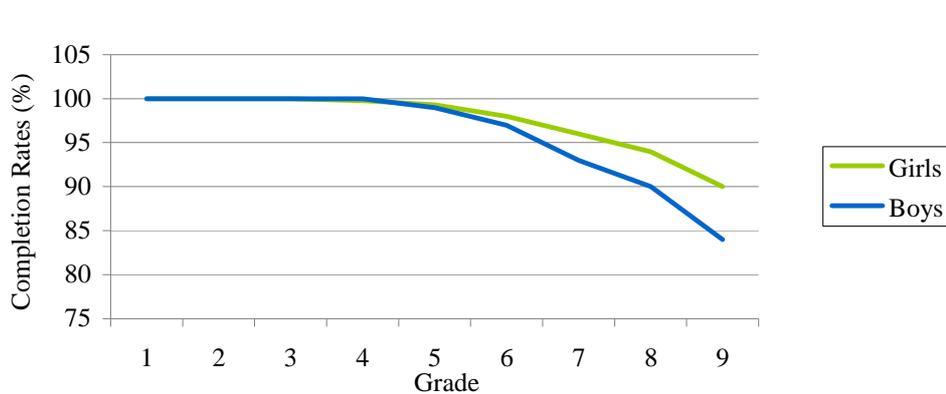
245. Sri Lanka is committed to education as a signatory to the Convention on the Rights of the Child as well as the “World Declaration of Education”, “Education for all” Jomtien in 1990 and Dakar 2000 and the Millennium Development Goals (MDGs).

246. Sri Lanka is committed to the cause of education and recognizes education as a priority item in its agenda for development.

247. The Education Reforms of 1997 were piloted in 1998 and gradually introduced to all parts of the country. The focus was both to improve the access to and quality of education. Ensuring primary education for all children was a key target of the reforms. This was to be achieved principally through the Compulsory Education Regulations, which require parents to ensure admission of their children to school at grade one and their continued attendance at least up to the age of 14 years. State policy is to provide a primary school within two kilometres of every child between five-nine years and a secondary school within four kilometres of every child between 10–16 years. Free text books and uniforms are provided to all children.

248. The strengthened requirement of compulsory education for 5–14 year olds has yielded some dividends. Net enrolment rates in primary education (five-ten year olds) have been slowly rising from 90 per cent in 1990 to 97 per cent in 2004. Disparities of gender, region/district, or sector (urban-rural) are minimal. The latest figures show an increase of 2.15 per cent in grade 1 admissions in 2007 when compared with 2006. The primary education completion rate was 98.4 per cent in 2004.

Figure 2
Net compulsory education completion rates, grades 1–9, 2001



Source: Ministry of Education, School Censuses.

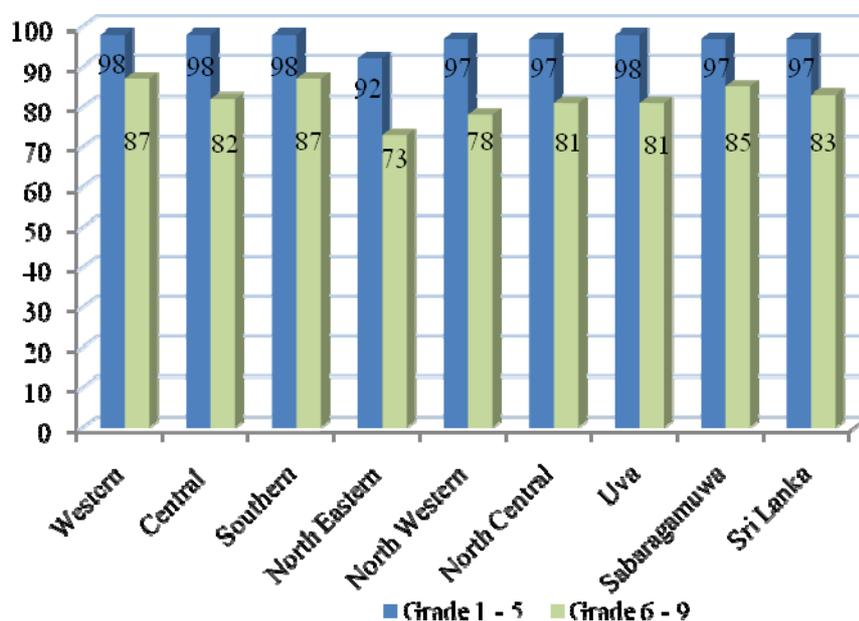
249. The most recent figures indicate that about 8 per cent of children 5–14 years old do not go to school. This represents a decrease from earlier years. The main aspects of non-participation in education are non-enrolment and dropping out.

250. An added dimension is the high rate of absenteeism among children. Among the reasons given for non-enrolment a large percentage mention not having a birth certificate, despite instructions to school principals to admit children without birth certificates on the basis of alternative evidence of age. Other reasons include inability to afford costs of education, ill health of children and distance to school. The children not attending school are drawn from vulnerable communities such as plantations, remote rural villages, fishing communities, deprived urban settlements and migrant population groups. They include children with disabilities, street children and children in institutions.

251. In order to implement the compulsory education reforms about 8,500 School Attendance Committees at the Grama Niladhari (village) level and Monitoring Committees at the Divisional Secretariat level were established. The Committees consisted of parents, school principals, and members of School Development Committees and education officials. The tasks of these Committees included compiling lists of children not attending school, conducting inquiries, instructing parents to send the children to school and providing assistance for school attendance where necessary.

Figure 3

Participation rates in the compulsory education cycle (grades 1–9), 2001 (two bars: grades 1–5 and grades 6–9)



Source: World Bank estimates based on Ministry of Education, School Census, 2001.

252. In order to remove another potential barrier to school admission, heads of schools were instructed to accept affidavits or letters from the District Secretaries as proof of the child's age where parents were not able to furnish birth certificates. The attendance committees however were not regularly convened and had ceased to function by 2000.

253. The lack of involvement by provincial authorities and of officials in non-formal education activities is cited as reasons for these committees to have ceased functioning. But attendance committees have been once again reactivated under the Education Sector Development Framework and Programme. (ESDFP).

254. A country-wide survey was conducted jointly by the Non Formal Education Division of the Ministry of Education and the Provincial Departments of Education through attendance committees to identify children within the compulsory schooling age who are not in schools. Approximately 67,000 children were found not to attend school and reasons ascertained. By 2005 about 97 per cent of these children are recorded as enrolled in Grade 1.

255. The Government continues with its welfare strategies such as transport subsidies, free textbooks and Grade 5 scholarships to students from low-income families, to support school attendance and retention. School nutrition programmes are carried out in over 8,000 schools in difficult areas, mainly targeting children in Grades 1 and 2. Approximately 6,500 schools are supported by the central government subsidy. Others are supported by the World Food Programme (WFP) and the Provincial Councils.

256. A new initiative with enhancing primary school attendance as a key goal is the Child Friendly Schools concept which is being piloted in selected schools in Sri Lanka. A Child Friendly School is defined as a school which proactively fulfils all the rights of all children as defined by the Convention on the Rights of the Child. The first dimension of a Child

Friendly School is that it is rights-based and proactively inclusive. The following are some of the indicators which a school should have to satisfy this dimension:

- (a) An active committee for out-of-school children and drop-outs, which should include children and community members;
- (b) A master list of all school-age children in its catchment area and knowledge regarding their enrolment;
- (c) Data on each child (e.g. attendance and individual observations by class teachers) and knowledge on children at-risk.

257. A recent Supreme Court judgment dealt with the right to equality and access to education (SCFR 10/07, 11/07, 12/07 and 13/07, decided on 29.03.2007). There has been a constant trickle of fundamental rights cases coming before the Supreme Court in which parents claim that their children have been unfairly denied Grade 1 admission to certain schools in violation of their right to be treated equally and without discrimination under the Constitution. The Court used the particular case before it as an opportunity to examine the entire area of school admissions. The Court found that the system of admissions to Grade 1 was open to abuse by parents who would resort to any means (e.g. falsification of address to show proximity to the school), in order to obtain admission to the best State schools.

258. The Court also observed that the demand for education in leading Colombo schools and other urban centres is a result of the inadequate provision of facilities to other areas. The Court ordered the education authorities to devise a new system of admissions. The new procedure however had to be revised as it was found in practice to in fact undermine access to primary education. The new procedures as revised are now being implemented.

259. The Education For All (EFA) Mid Decade Assessment Report Sri Lanka 2008 by the Ministry of Education identifies several challenges still facing the Government in the achievement of universal basic education. Prominent among these are:

- (a) Extreme poverty of parents, leading to employment of children to supplement family income;
- (b) Failure of the education system to provide social mobility in disadvantaged pockets;
- (c) Understaffing in distant and disadvantaged areas;
- (d) Traditional and outdated teacher learning methods;
- (e) Minimal supervision and support from educational authorities in some areas;
- (f) Lack of classroom facilities and toilets and safe drinking water;
- (g) Lack of reliable information on numbers of children with disabilities;
- (h) Lack of specially trained teachers and special measures to cater for children with disabilities.

Additional information on the reforms and adequate material resources for their implementation to principals, teachers and parents in rural and conflict-affected areas

260. Comprehensive information regarding the Education Reforms was provided to all stakeholders. Booklets were prepared and disseminated to principals, teacher guides distributed, workshops held, guidance provided to Zonal education officers and others, and leaflets distributed at community level.

261. Despite these efforts evaluations of the reforms now finds that there were gaps in dissemination of information which had a negative effect on implementation. While the

competencies, skills and learning outcomes of the revised primary school curriculum are clearly specified, understanding of these achievement levels among principals and teachers has been reported to be rather limited. Similarly the capacities of principals and teachers to translate these primary school achievement levels into effective teaching strategies in schools and classrooms were found to be weak.

262. The experience of the education reforms has also underlined the need for especially effective communication of policies which appear controversial but are important for the overall reform endeavour. The school rationalization programme is an example. The strategy was to address the problem of high-cost small schools by amalgamating and consolidating them with larger schools in their neighborhood.

263. This programme was in operation in 1998–2002 and achieved 75 per cent of its target, but was temporarily suspended due to opposition. The multiple textbook policy, designed to widen choice and improve quality, was another illustration, where the controversy created delayed implementation for several years.

264. In such cases, the inability of central and provincial education authorities to explain and communicate the policies effectively damaged the chances of successful implementation of the reforms.

Material resources

265. The Government has prioritized the provision of resources for the implementation of the reforms. The Ministry of Education has prepared a set of norms for the provision of physical facilities to schools. The requirements of schools are identified according to these norms. The Ministry uses the annual School Census as a method of collecting data on facilities available in schools in order to assess their requirements. Financial constraints mean that shortfalls in physical resources continue to exist.

266. In 2005 the Ministry of Education classified Government schools in the country into five groups – more congenial, congenial, not difficult, difficult, and very difficult. They were classified according to seven criteria:

- (a) Availability of basic facilities (drinking water, electricity, telephone, library);
- (b) Availability of usable equipment (duplicators, photocopier, computers);
- (c) Availability of basic usable sanitary facilities;
- (d) Availability of building spaces (classrooms, labs etc.);
- (e) Availability of minimum spaces (principal's office, staff room, store room);
- (f) Availability of teachers (adequacy, qualifications);
- (g) Location (distance to bus routes and railway station).

267. The table below shows the regional variations in the facilities for schools, with the Western Province having the best indicators and the Northern and Eastern, North Central and Uva the worst.

Table 21

Classification of schools according to level of difficulty by province

Province	Percentage of schools according to classification				
	Very difficult	Difficult	Not difficult	Congenial	More congenial
Western	0.5	04	12	28	55.5
Central	07	17	30	20	26

Province	Percentage of schools according to classification				
	Very difficult	Difficult	Not difficult	Congenial	More congenial
Southern	05	14	17	26	38
North and East	38	14	13	19	16
North Western	13	23	21	22	21
North Central	24	27	13	19	17
Uva	08	15	37	22	18
Sabaragamuwa	04	25	22	25	24

Source: DMR Branch, MoE.

268. The Government has adopted a two-pronged policy to attack the persistent regional disparities in the education system. The two main components of the policy are progressive central government financing, with favourable treatment for poor Provinces and Regions; and special policy measures to promote equity of education access, quality and opportunity. The latter includes a norm-based cost resource allocation mechanism to distribute public resources to schools equitably. This formula was pilot tested in 1999 and introduced throughout the country from 2000. It has been very successful in reducing disparities between schools with similar characteristics from 1:300 in 1996 to about 1:15 by 2002.

269. Progressive policies have meant that the central government share of financing provincial education is 100 per cent in the Northern and Eastern Provinces in contrast to 45 per cent-50 per cent in the more affluent Western Province. The Northern and Eastern Provinces as those with greater numbers having, low education outcomes, benefit from the highest proportion of government expenditure per student on education. The richest province with the best education outcome which is the Western Province has the lowest proportion of government expenditure per student on education. Other poor and disadvantaged provinces such as Uva and North Central also benefit from large central government grants for education which enable them to invest more resources on education, far exceeding that which could be financed solely through provincial budgets. Despite these progressive policies, significant variations in student performance among urban, rural and estate children persist. This therefore indicates wide disparities when it comes to providing resources for curriculum implementation.

270. There have been successive initiatives to develop small schools in disadvantaged locations, so that small rural schools could provide greater access to basic education for particularly the more disadvantaged living in remote rural areas. But certain deficiencies in planning and sustainability of interventions have prevented the achievement of significant results. At the same time the number of small schools has increased. The number of schools with less than 51 students has risen from 1,253 (12.4 per cent) in 1997 to 1,549 (16.0 per cent) in 2006. It was originally planned to create a network of primary feeder schools around a secondary school with better facilities. This plan was approved by Cabinet but has yet to be implemented.

271. For information on provision of material resources for implementation of the education reforms in conflict-affected areas, see section IX (A) "Children affected by armed conflict" under "Special Protection Measures".

Participatory mechanism for monitoring and evaluating education reforms

272. This component of the education reforms has posed the biggest challenge. The Ministry of Education together with the National Institute of Education was expected to develop a system for continuous monitoring and supervision of the implementation of the

reforms. However, a proper monitoring mechanism did not materialize at school level, creating a gap in participatory monitoring and evaluation of the new initiatives.

273. Strengthening monitoring and evaluation is a key platform of the new Education Sector Development Framework and Programme. The monitoring activities will be undertaken primarily by implementing government education agencies such as the Ministry of Education, National Education Commission, Finance Commission, the Ministry of Finance and Planning, National Institute of Education, National Evaluation and Testing Centre of the Examinations Department and Provincial Councils. Evaluation activities will generally be contracted out to independent research agencies such as the National Education Research and Evaluation Centre (NEREC) and private consulting firms. Participatory methods included to assess measures to improve the quality of service delivery are citizen report cards and community score cards.

274. Policy planning for future to devolve greater managerial powers and responsibilities to schools may be expected to see enhanced monitoring and evaluation at school and community level. Measures such as empowering schools to purchase quality inputs (equipment, books etc.) and school-based teacher recruitment are designed to improve the quality of service delivery at school level by giving more opportunity for school leadership and greater accountability of service providers to the beneficiaries. The Child Friendly School initiative (see above) focuses on participatory evaluation at school level, with criteria developed for principals, teachers, students, families and the community to actively participate in monitoring and evaluation of the school development plan. At a more general level, a truly participatory and inclusive monitoring and evaluation mechanism which brings in principals, teachers, parents and students is yet to be implemented in Sri Lanka.

Trained teachers in rural and conflict-affected areas

275. The teacher requirement of each school is calculated by reference to a circular with a “ready reckoner”. The circular provides criteria for the calculation of deficits and excesses in any school, with the required number of teachers being calculated on the basis of enrolment in different Grades. The average overall student teacher ratio is about 22:1. Teacher transfers need to be approved and new teacher recruits distributed among the provinces on the basis of the circular. But external factors such as interference by politicians and officials mean that the regulations are not strictly adhered to. There are also bureaucratic delays in teacher appointment and deployment, particularly for the North and the East.

276. Educationists advise the implementation of a strict policy or procedure to ensure that every school receives the quota of teachers in order to eradicate regional and sector-wise disparities. Some initiatives towards this end are described below.

277. Although circulars prescribe that schools with 45 or less students are entitled to three teachers, there are still schools with less than three teachers, usually in remote areas.

278. The number of schools with less than three teachers has decreased from 440 in 2006 to 385 in 2007. While there are more teachers than the overall teacher requirement, the Government continues to face the conundrum of insufficient teachers in remote areas and large surpluses of teachers in some urban schools. Excesses and deficits of teachers are also found within the same district. Shortage of teachers is particularly serious in the subjects of Science, Mathematics and English. This situation has persisted despite government attempts to encourage teachers to go to remote areas by payment of incentives of ten per cent of salary for difficult areas and 15 per cent for very difficult areas (see above for classification of schools).

279. Low teacher salary is an important factor which affects all teachers in general, and more so, to underprivileged areas. Teacher salaries have been declining in real terms over

the past 25 years. Education policymakers believe that teacher status, motivation and work attitudes have deteriorated through the years, and highlight the need to re-motivate and improve the attitudes of teachers.

280. The Government has recently come up with further measures to improve teacher deployment and also teacher absenteeism which is an additional problem, especially in remote areas. A package of new incentives includes quicker promotion; preferential access to children of these teachers to popular schools; construction of teachers' quarters in disadvantaged areas; and permitting teachers to cash in unutilized leave. Lack of finances has prevented the effective implementation of these incentives. Another important measure is to shift from the teacher recruitment system to school-based recruitment or direct recruitment to schools instead of the current centralized transferable service. This requires amendment to legislation on teacher recruitment.

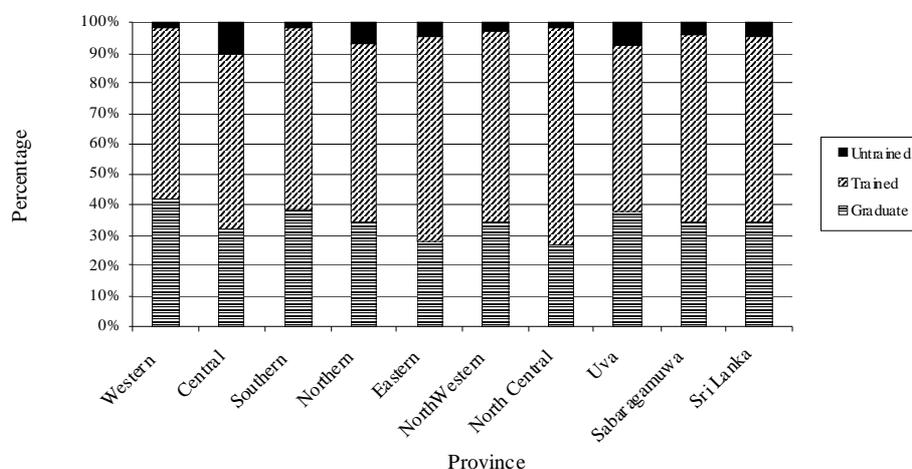
281. There are several programmes currently initiated by the Government to reduce regional disparities in education arising from the lack of qualified and competent teachers in regional schools. Teacher Villages ("Guru Gammuna") are being established in 25 selected areas to address the problem of teacher shortage in remote areas. 325 regional schools are being selected for improvement under the Isuru Schools Improvement Project. A three-month teacher education certificate course has been initiated in local universities for newly recruited graduates, and the Peradeniya Teachers' College in the Central Province is being upgraded to a Centre for Excellence in English for conducting degree and certificate courses in English.

282. A Government policy in the 1990s to recruit teachers according to ethnic proportions, while intended to promote non-discrimination, aggravated the problem of uneven distribution of teachers since there were more vacancies in Tamil medium schools.

283. When it emerged that this left Tamil medium schools the worst affected in terms of teacher shortage, the Government stopped the policy.

284. The Government has taken several steps aimed at improving teacher training and reducing the number of untrained teachers. 17 National Colleges of Education (NCOEs) have been set up since 1998. They provide all persons (other than graduates) joining the teachers' service a three-year pre-service teacher education programme and certification. This has led to a gradual reduction in the number of untrained teachers. Figures for 2007 indicate that 95.8 per cent of the teachers in government schools are either graduates or trained teachers. Ninety-four Teacher Centres (TCs) have been established, one in each education zone, for continuing professional development for teachers. A national Teacher Educator Service has also been established to provide academic staff in NCOEs and TCs. The table below shows the latest picture regarding graduate, trained and untrained teachers in schools by Province.

Figure 4
Teachers by qualification



Source: School Census, 2007, Ministry of Education.

285. While inter-provincial disparities do not loom very large, the picture for availability of trained teachers is different when examined in terms of schools by level of difficulty, see table 22 below.

Table 22

Student teacher ratios by teacher category and difficulty level of schools

Type of school	Student graduate teacher ratio	Student trained teacher ratio	Student untrained teacher ratio	Overall student teacher ratio
More congenial schools	65	37	2 122	23
Congenial schools	73	29	1 108	20
Not difficult schools	78	24	614	18
Difficult schools	109	25	445	19
Very difficult schools	132	27	238	20

Source: DMR Branch, MoE.

Human rights education

286. Concepts of human rights are introduced in the revised curriculum with the subject of Life Competencies/Civics being brought in at Grade 7–9 (junior secondary level), to deal with issues of citizenship and inter-cultural understanding. In recent years National Institute of Education has focused on inclusion and equity in production of material, particularly at the primary level. A specialist Diversity Review Panel, drawn from different ethnic and religious groups, has been constituted to review materials for bias. Sensitivity guidelines have been developed for subject specialist teams in textbook selection procedures.

B. Medium of instruction

287. The latest School Census (2007) shows that Sri Lanka has 9,678 Government schools and 93 private schools. The country has two main languages, namely Sinhala and Tamil. Tamil is the mother tongue of the Tamils and the large majority of Moors. Mainly Sinhala and Tamil are used as media of instruction in Government schools. Normally, Sinhala children study in Sinhala medium and Tamil children study in Tamil medium. Muslim children study in either medium according to their choice. However, there are 447 schools teaching two or more subjects at least in one grade in the English medium. According to 2007 School Census 72.8 per cent of the total student population study in the Sinhala medium while 25.9 per cent and 1.3 per cent study in the Tamil and English media respectively. The number of schools is distributed evenly among the three media. Tertiary education is mainly imparted in English.

Table 23

Number and percentage of schools and students by medium of instruction

<i>Medium</i>	<i>No. of schools</i>	<i>% of total</i>	<i>No. of students</i>	<i>% of total</i>
Sinhala	6 414	66.2	287 737	72.8
Tamil	2 780	28.7	1 021 299	25.9
Sinhala and Tamil	37	0.4		
Sinhala and English	309	3.1		
Tamil and English	109	1.1		
Sinhala, Tamil and English	29	0.3		
English			49 291	13
Total	9 678	100	3 942 327	100

Source: Annual School Census, Ministry of Education.

Table 24

Schools by functional grade and province

<i>Province</i>	<i>IAB</i>	<i>IC</i>	<i>Type 2</i>	<i>Type 3</i>	<i>Total</i>
Western	161	259	624	307	1 351
Central	93	319	522	530	1 464
Southern	96	244	538	218	1 096
Northern	62	120	311	397	890
Eastern	57	157	366	368	948
North Western	75	268	632	245	1 220
North Central	32	147	345	252	776
Uva	48	174	375	234	831
Sabaragamuwa	57	195	491	359	1 102
Sri Lanka	681	1 883	4 204	2 910	9 678

Source: School Census, 2007, Ministry of Education.

288. A number of factors contributed to Sri Lanka achieving high education indicators including the best literacy rate in South Asia, which has increased even over the reporting period from 91.8 per cent in 1997 to 92.5 per cent in 2004. The gender differential which

was small in 1997 with male literacy at 94.3 per cent and female at 89.4 per cent has narrowed a little more with males rising to 94.5 per cent and females to 90.6 per cent in 2004. The vision of the current Government (*Mahinda Chintana*) reiterates the right to education and continues with progressive measures which have historically been in place.

289. School performance has in general improved over the past years. A primary education completion rate of 98.4 per cent and a secondary education completion rate of 87.1 per cent were achieved in 2004. The pass rate increased from 2001 to 2004 at the O-Level national examination from 37 per cent in 2001 to 47.3 per cent in 2004, and at the A-Level from 50.5 per cent to 55.0 per cent. But university capacity to take in qualified students remained low, with only 13 per cent being enrolled in 2004/2005. O-Level pass rates also indicate regional disparities. Within a national average pass rate of 44 per cent in 2003, Colombo had over 60 per cent, Ampara in the East just under 50 per cent and Mullaitivu and Killinochchi in the conflict affected North under 30 per cent. Of the 621 Type 1AB schools in the country enrolling 29.5 per cent of the total students in the country, almost 50 per cent were in Colombo. Galle in the South had 44.5 per cent, Nuwara Eliya in the central plantation area 19 per cent and Mullaitivu 16.3 per cent. This must be a key focus area in implementing the ongoing Education Sector Development Programme (ESDP).

290. Information relevant to primary education is provided above. Data in other areas is also encouraging.

291. Retention rates on completion of primary education increased from 91.7 per cent in 1990 to 97.6 per cent in 2002. Girls had a higher retention rate (98.3 per cent) than boys (96.9 per cent). Similarly enrolment rates in junior secondary education (10–14 year olds) also increased from 93.8 per cent in 1990 to 96.0 per cent in 2002. Senior secondary enrolment rates (15–19 year olds) are around 60 per cent. In this category too there are more girls than boys. As a result of more children in schools, the youth literacy rates (15–24) have increased from 93 per cent to 96 per cent in the course of the 1990s.

292. Learning achievement is one sphere in which indicators have remained at moderate levels, with significant regional variations, despite the introduction of measures such as Essential Learning Competencies as part of the 1997 reforms. Just over 50 per cent of urban children attain mastery in their first language and in mathematics, as against just over 30 per cent in rural areas. Mastery of English (second language) is overall low, with a greater urban-rural divide showing 23 per cent in urban areas and only 7 per cent in rural.

293. The Educational Reforms of 1997 concentrated on:

- (a) Educational opportunities for all and ensuring compulsory education for 5–14 year olds;
- (b) Quality of primary and secondary education by reforming curricula and equity in quality secondary education by developing at least one school as a centre of excellence in each Division (administrative unit) replicating the model of the Central School system which underpinned the country's education sector development in the 1940s;
- (c) Practical and technical training for junior secondary curriculum and technical subjects in senior secondary education;
- (d) Training for all teachers;
- (e) Resource management and service delivery through school based management and stronger administrative systems at all levels of government.

294. In the last decade some of these reforms were implemented, with the focus on teaching and learning outcomes through teacher training and curriculum reform. The

examination system was revised, with school-based assessments introduced. The employment of untrained teachers was stopped. The preparation of textbooks was privatized and new textbooks devised to eliminate ethnic and gender stereotyping. Tamil and Sinhala were reintroduced as link languages for students from both linguistic backgrounds.

295. Sri Lanka has made significant progress in the areas of literacy, gender equity in education and universal primary education. Nonetheless, the education system continues to face several challenges. These include variable quality of education; inequitable teacher deployment; mismatch between school education and labour market demands, which is connected to inadequate linkage between secondary and tertiary education as well as general education and Technical Education/Vocational Training (TEVT).

296. There are vulnerable groups of children in need of education who are in “detention” in State receiving homes and such children are being provided services through the relevant institutions responsible for their care and wellbeing.

C. Education Sector Development Framework and Programme 2006–2010

297. To address some of the gaps mentioned above, the education sector has begun another phase of reform. These changes are based on the Education Sector Development Framework and Programme (2006–2010) of the Ministry of Education supported by the World Bank, which draws from earlier proposals of the National Commission of Education; and the National Plan of Action for Children 2004–2008. The ESDP was developed with broad public consultation led by the National Education Commission. Thereafter all schools nationwide prepared five-year development plans according to guidelines given by the Ministry of Education. The central Ministry and the Provincial Ministries of Education formulated policy changes and development strategies to complement the school plans. The ESDP was also informed by research studies carried out by the NEREC of the Faculty of Education at the University of Colombo, some of them commissioned by the World Bank, a major donor in the sector. These included a national assessment of achievement of Grade 4 pupils (i.e. completion of primary education) done in 2003, which provided a credible evidence base to devise further reforms. The ESDP has been incorporated into the Government’s overall development agenda, the Ten-Year Horizon Development Framework 2006–2016.

298. The entire Programme is being supported by the World Bank Education Sector Development Grant of US\$ 60 million, which is the largest ever grant given by the World Bank to Sri Lanka. This assistance will be given under an innovative funding mechanism, which will not involve establishing a project implementation unit. Funds will be issued directly through the budgets of the central and provincial Ministries of Education. The release of funds will be performance-related, with those who are more effective in terms of implementation obtaining more funds.

299. The ESDP has four themes: equity in access to education; equity in the quality of education; efficiency and equitable access to resource allocation; and strengthening governance and delivery of services. The key areas of policy recommendation relate to:

- (a) Educational opportunities, especially at senior secondary level;
- (b) Quality of education, including teaching-learning, curriculum and facilities;
- (c) Access to information technology, with particular focus on the urban-rural disparities and gender imbalance;
- (d) Equity in the distribution of qualified teachers;

(e) Management efficiency.

300. While some of these issues are a continuation of the earlier education reforms, some new and emerging areas of need have been identified. These include:

(a) Activity-based learning-teaching aimed at developing personal skills, human rights and ethnic harmony;

(b) Employment orientation through career guidance and technical/skill development programmes;

(c) Information and communication technology in core curriculum and as a vocation-focused subject in senior secondary education;

(d) Incentive allowance to teachers for service in difficult areas.

301. Following on from the national assessment of Grade 4 pupils, in 2007 NEREC completed a national assessment of achievement of Grade 8 pupils (i.e. completion of junior secondary education) and Grade 10 pupils (i.e. mid-senior secondary education). A second cycle of assessments, once again of Grade 4 pupils, has also begun.

302. These assessments continued to show regional variations with Colombo being the best performing district and Gampaha (close to Colombo) coming second. Killinochchi and Mullaitivu – two conflict-affected Northern districts, Trincomalee in the East, Nuwara Eliya in the Central plantation area and Moneragala, one of the poorest districts located in the South East, show the lowest performance. The study identified school, home and zonal education office background variables as influencing learning achievement. With regard to school background, among the main variables were facilities provided, learning procedures, assessment procedures, teachers' and principal's background, teaching methods, and class teacher's interaction with students, principal, and parents. Home background variables which affected children's learning achievement not surprisingly included parents' attention to children's learning tasks (e.g. discussions with teachers and their own children), facilities at home, financial status, and additional support through extra classes. The interest and effort put in by the zonal education office through the number of training programmes for teachers and school supervision programmes and implementation of school and zonal monitoring panels, as well as the level of experience of the In-Service Adviser, influenced learning achievement from the perspective of the education authorities' input.

303. In all three subjects assessed – first language, mathematics and science and technology, girls fared better than boys. Rural schools performed worse than urban schools. Significant differences are seen among the different categories of school, with Type 1AB schools performing best, followed by Type 1C schools and Type 2 schools. In order to assess properly the mastery levels of students in relation to the Essential Learning Continuum, the study recommends that Essential Learning Objectives be identified and published by curriculum developers.

D. Other developments in education

304. In order to address the inadequacy of skills development programmes for school leavers, resulting in youth unemployment, the Government has begun a major restructuring of the TEVT system since 2000. It has brought in national skills standards, a National Vocational Qualification (NVQ) system for participating institutes, and registration and accreditation of courses offered by all vocational institutes. There have also been efforts to link these with labour markets and support entrepreneurship development and job placements. Equity of access in these measures – for women and children of disadvantaged families, as well as improving management and monitoring systems, have been made

priorities. Draft legislation is also being prepared for the establishment of a University of Vocational Technology awarding degrees according to the NVQ framework.

305. Upgrading of facilities has seen new buildings in some schools and the setting up of computer learning centres in the target 1,000 schools. This has enabled students to take General Information Technology at A-Level and Information Communication Technology (ICT) as a technical subject at O-Level, which in turn equips them with marketable skills. One of the biggest challenges has been to move away from the traditional rote learning process in schools, but some progress is visible with the introduction of school-based assessments which are part of secondary school examinations and activity-based learning.

306. In terms of non-formal education, aimed at assisting in particular children who drop out of school, there is the Non-Formal Education Division of the Ministry of Education. Investigations are carried out at village level and thereafter if necessary at Divisional level to find out why children have dropped out of school and to decide on remedial measures. For more details on the system to track school attendance, please see section VIII (A) above. A specific focus of non-formal education is devising appropriate schemes for conflict-affected areas, where the need for such education is greater with the disruption education caused by war. Programmes of Catch Up Education exclusively focusing on the North East will be referred to in section IX (A) on “Children affected by armed conflict”, below.

307. A number of initiatives were taken by the Plantation Human Development Trust assisted by ILO to arrest school drop out and the connected phenomenon of child employment. An Education Task Force with district level branches was established to monitor the enforcement of compulsory education regulations. A National Action Plan was also developed to enhance education and skills training specifically in the estate sector. Non formal education centres were set up to provide Catch Up Education to under 14 year olds. (See also, section IX (C) on “Economic Exploitation, below).

E. Early childhood care and education

308. Early Childhood Care and Education (ECCE) received priority for the first time in the Education Reforms of 1997, and has become an area for increasing alteration by the Government. A Department of Early Childhood and Primary Education and a Child Study Centre were established at the Open University of Sri Lanka in 1999 and 2001 respectively. The Department now provides opportunities to obtain professional qualifications in ECCE.

309. The Children’s Secretariat in the MoCDWE now takes the lead in policy formulation and monitoring ECCD. A National Policy on ECCD was developed in 2005, which was an important forward step for Sri Lanka. Therefore, the MoCDWE is tasked with implementing the Action Plan for the Policy. In this connection, the Children’s Secretariat has introduced minimum standards for preschools in terms of formulating policies and plans. Home-based programmes are implemented to raise awareness of parents and others family members on ECCD. Training programmes are conducted for preschool teachers.

310. Day care for children of employed parents, prevention of child abuse, and food and nutrition are other areas being emphasized. The Secretariat has also appointed ECCD officers to be stationed in each Divisional Secretariat in the country.

311. The Family Health Bureau of the Ministry of Health is another government agency carrying out ECCD related activities. It has been implementing the Home-Based ECCD programme with UNICEF support since 2002. The focus of the programme is providing holistic care to children under five with a special emphasis on those less than three, through

services at clinic and household levels. The Bureau is also developing screening instruments standardized for Sri Lanka to screen the development of children under five. The milestones already incorporated in the Child Health Development Record provided by the Ministry of Health to all newborns was revised in 2004 to achieve a more complete assessment of development. Early screening at national level is not yet an established practice in Sri Lanka, and it is hoped that these measures will signal a move towards such a practice in the future.

312. Through greater attention being given to ECCD over the past years, the need for stronger regulation of preschools has been identified. Several Provincial Councils have passed statutes on preschool education to ensure the quality of service delivery of these institutions, while others are in the process of devising strategies. Aspects covered include minimum standards for ECCD centres, qualifications of preschool teachers and registration of ECCD centres. There is general agreement by Provinces on the norms in the National Policy. Provision however needs to be made for greater coordination between national and provincial authorities on implementing the Policy.

313. A systematically updated comprehensive database at a national level of ECCD programmes through preschools is yet to be devised. However the available data, gathered from slightly over half the number of Divisions across the nine Provinces, shows a somewhat high enrolment rate in preschools and does not indicate great variations among Provinces, except for the Sabaragamuwa Province which has a much lower rate than the others.

314. Some of the most significant activities of the MoCDWE in relation to ECCD is the development of a preschool curriculum at national level and the training of trainers for each province, completion of a preschool survey in 2002/2003 with UNICEF assistance, the development of a national policy in 2004 and guidelines for ECCD centres and day care centres, other significant activities include establishing coordinating committees at provincial, district, divisional and village levels. Training materials and booklets have been developed particularly a guide book on home based ECCD, a self assessment guide for preschool teachers and picture story books for preschools. Nutrition has also been provided through preschools. Another important aspect is the building of play areas in preschools. There has been collaboration with the National Children's Education Foundation to conduct diploma courses for preschool teachers. The TV and radio are invited to promote awareness including that for children with special needs. Private sector cooperation for ECCD under Corporate Social Responsibility includes collaboration with a leading private sector company (Hemas) to establish and maintain 33 model preschools.

315. Future activities planned include a national survey, developing a national data base, early learning development standards, upgrading the current preschool curriculum, establishing a trust fund for preschools and continued upgrading of preschools with support from NGOs at community level.

Table 25

Gross enrolment rate of Sri Lankan preschool children

<i>Province</i>	<i>No. of divisions</i>	<i>No. of preschools</i>	<i>No. who attended preschools</i>
Western	27	2 067	63 861
Southern	39	1 658	43 442
Sabaragamuwa	21	1 062	23 017
Uva	20	874	19 185
North Western	26	938	27 019

<i>Province</i>	<i>No. of divisions</i>	<i>No. of preschools</i>	<i>No. who attended preschools</i>
Central	30	1 796	48 824
North Central	16	632	13 827
North Eastern	06	220	5 065
Total	185	9 247	223 540

Source: National Survey on Children who do not attend Pre-schools (Children's Secretariat 2006).

F. Leisure and cultural activities

316. The survey among adolescents of 10–19 (above) indicated that the percentage of children not involved in any extracurricular activity was over 52 per cent. Sixteen per cent of those who did not participate in any extra activity said the reason for this was the heavy academic workload. Of the leisure time activities which adolescents engaged in the commonest were reading, watching TV and sports, with over 60 per cent of the children being involved in each activity. About 20 per cent opted for the aesthetic activities of playing music and painting. Going out with friends and surfing the internet were the least common activity. The Child Activity Survey (1999) showed the highest proportion of children (32.8 per cent) spending 2–3 hours a day on leisure activity, with 21.9 per cent spending over three hours on leisure. 8.1 per cent spent less than one hour on leisure activity. Only 3.1 per cent of children attending school or other educational institution reported having no leisure activity, while the percentage at 20 per cent was much higher for those not attending an educational institution.

317. The Child Friendly Schools initiative (above) encourages greater participation of children in extra-curricular activities. One of the criteria for such schools is equal access of children to all activities and resources in the school. Indicators include occurrence of obstacles to participate in school activities and access to resources; participation of at least 90 per cent of students in at least two co-curricular activities per year; and effective measures taken by the school to alleviate any obstacles for equal access in the school or the family/community.

318. The Ministry of Education as well as other Ministries have had a tradition of organizing many cultural activities and a variety of competitions on diverse subjects in which large numbers of children regularly participate.

G. Non-governmental schools

319. There are other categories of Government approved institutions providing basic education to children. They are private schools, specified schools and religious institutions. Most of the private schools are managed by Roman Catholic and Christian organizations except for a few Muslim schools. There are two types of private schools, fee levying and non-fee levying. The non fee levying private schools which are 36 in number receive a grant to pay teacher salaries from the MoE.

320. Specified schools are twofold, Government run institutions for delinquent children and special schools for handicapped children managed by non-governmental organizations. These schools receive a grant from the MoE. There are 23 such institutions in the country.

321. Buddhist religious institutions are monastic schools called “Pirivenas” conducted mainly for the Buddhist clergy. Pirivenas are 658 in number and cater to 54,953 students. All Pirivenas receive a grant from the MoE.

322. Another category of institutions is “international schools”. These schools are not affiliated to or approved by MoE but are institutions registered with the Registrar of Companies as business enterprises.

323. Therefore, the MoE has no connection with or control over them. The medium of instruction of all international schools is English. The majority of them prepare children for British Examinations.

Table 26

Number of alternate schools and number of students by gender, 2007

Category	No. of schools	Number of students		Total
		Male	Female	
Non-fee levying private schools	36			
Fee levying private schools	34			
Special schools	23			
Pirivenas	658	54 953		54 953
Normal-formal education centres	461	3 987	4 752	8 739

Source: Ministry of Education.

H. Non-formal education

324. Non-formal education programmes of the MoE are conducted by the Non-formal Education (NFE) branch of the Ministry to cater to the needs of out-of school children and adult groups in the community. The main programmes are:

(a) Functional Literacy Centres: located in areas where there are concentrations of non-school going children to impart functional literacy. Children who have not enrolled in schools at all or have dropped out prematurely from school are admitted to these centres. Some young children who attend these classes are sent to a formal school;

(b) Community Learning Centres: provide continuing education programmes for identified target groups. The programmes are of a diverse nature varying from simple literacy to life enrichment courses and skills training programmes;

(c) Vocational Training Centres: located in schools and classes are conducted in the afternoons about three days of the week. These centres provide vocational training facilities to youth who are desirous of improving their skills.

325. The NFE branch also conducts a few special programmes such as centres for street children and literacy centres for adults, organized in place where there is a need.

I. Special education

326. Special Education programmes serve the needs of disabled persons, such as visually handicapped, hearing impaired, physically disabled and mentally retarded. The General programmes are:

(a) Special Schools – run by private sector for those who are severely affected by disability. These schools are given financial assistance by the Government;

(b) Special Education Units in Schools – trained instructors with necessary facilities pay special attention at the early stage and later direct them to normal classes;

(c) Inclusive Education – inclusive education means that schools should accommodate all children regardless of their intellectual, physical, social, emotional and linguistics or other conditions.(this should include disabled and gifted children, street and working children, children from remote or nomadic population, children from linguistics, ethnic or cultural minorities and children from other disadvantaged or marginalized areas or groups).

327. The MoE also supplies special education equipment such as Braille writing materials, equipment required by hearing impaired children and teaching learning aids for mentally retarded children.

IX. Special protection measures

A. Children affected by armed conflict

328. **The Committee recommends that the State party implement the plan of action for the respect of the rights of children during the reconstruction process (2003). In particular, the Committee recommends that the State party:**

(a) **Prioritize the demobilization and reintegration of all combatants under 18 and ensure that all armed groups reintegrated into the national armed forces adhere to the minimum age of recruitment of 18 years;**

(b) **Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by the conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees and landmine survivors, which also ensures their privacy;**

(c) **Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of non-formal education programmes and by prioritizing the rehabilitation of school buildings and facilities and the provision of water, sanitation and electricity in conflict-affected areas;**

(d) **Seek in this regard technical assistance from, among others, UNICEF.**

329. **The Committee reiterates its request to the State party for additional information on child combatants and child prisoners of war, to be included in its initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.**

Demobilization and reintegration of child combatants

330. A comprehensive account on this subject is found in the report of the Government of Sri Lanka on the Optional Protocol to the Convention, on Involvement of Children in Armed Conflict.

331. The Government abides strictly with the Convention on the Rights of the Child and has never recruited children under the age of 18 years to the Sri Lanka Armed Forces. This rule still operates. All recruits have to present a birth certificate which confirms their age as being 18 years. This is a practice in all forms of government employment.

332. In the case of (b), (c), and (d) too, the main agencies which came forward in 2002 in the aftermath of the CFA and assumed responsibility for the formulation and implementation of the Plan of Action For Children were the United Nations agencies which utilized local NGO/INGO with some government officials at local level to develop the Plan of Action rather than central Ministries responsible for child protection at national level. This strategy was probably adopted at the insistence of the LTTE.

333. This situation kept changing with the ineffective implementation of the CFA and the non compliance of the LTTE to release child soldiers. The CFA was finally abrogated in January 2008 after several failed efforts by the government to engage the LTTE in a meaningful dialogue in peace talks.

334. The State party found it difficult to contribute to the full implementation of the Plan of Action for Children since the focal point agency selected by UNICEF for implementation was the TRO, which was a LTTE supported NGO. UNICEF agreed to collaborate with the TRO and provide substantial resources to establish three transit Centres for child combatants who 'surrender'. The locations were planned in the districts of Killinochchi, Trincomalee and Batticaloa. The Department of Social Welfare was involved as agreed by the LTTE only to provide training for the staff. It had been decided by UNICEF that the centres would be managed by only TRO and UNICEF staff. This arrangement changed as the numbers of children to the first centre in Killinochchi dwindled very soon after a few months. The centres in the other two districts were never opened as the LTTE did not release any child combatants they had recruited as agreed with UNICEF. Subsequently it was publicly exposed that the TRO was a 'front organization' for fund raising for the LTTE in Sri Lanka and abroad, but by this time a considerable amount of resources of over US\$ 1 million had been provided to them, for such rehabilitation activities. The designated government institution responsible for the rehabilitation of child combatants which was the NCPA was left out of this arrangement by UNICEF due to compliance with LTTE objections. The LTTE was antagonistic to the NCPA because of their consistent advocacy against child recruitment.

335. The Penal Code was amended in 2006 (Amendment 16). Accordingly the engagement or recruitment of children for use in armed conflict has been criminalized (section 358A).

336. The Action Plan for Children Affected by War was a multi-sectoral programme drawn up in 2003 during the period following the Ceasefire Agreement. It involved the participation of the Government of Sri Lanka and the LTTE, with the prime focus being securing the release of child combatants recruited by the LTTE, preventing further recruitment, and rehabilitating former child combatants. The Action Plan included provision for psychosocial care, education, health and nutrition, income generation, and the prevention and monitoring of child rights violations. The process was brokered by UNICEF, with the Government and the LTTE signing letters with UNICEF confirming their commitment to the Action Plan. While a few children were released by the LTTE under the Action Plan, many were not. The rehabilitation of child recruits encountered problems, some of which were inherent in the manner in which the plan had been formulated. On the decision of the LTTE, Government agencies with the necessary expertise were excluded from the process, and the management of transit centres for released children was given to an organization which could not be determined as independent, but one connected directly to the perpetrators of the crime of child recruitment. The first transit centre opened in October 2003 by UNICEF took in 173 children. The other two transit centres were not opened due to lack of commitment by the LTTE to release children. The implementation of the Action Plan had to be changed. The centre which was opened was diverted to other uses when the numbers of children released became too low to justify its existence.

337. A mass media campaign on child rights and against child recruitment was not implemented due to LTTE resistance. Other initiatives mostly according to UNICEF reports have been more successful.

338. According the reports by Save the Children, in 2003–2004 they contributed to providing Catch up Education to 2,800 children.

339. UNICEF continues to maintain a database of underage recruitment which began in 2002. It has registered 6,273 children as having being recruited by the LTTE since 2002. Of these 1,415 cases remain outstanding, including 133 children who were under 18 years as of June 2008. The children recruited under 18 but now 18 or above are 1282. A pattern of releasing and later re-recruiting children is also apparent. The United Nations Secretary-General noted in his report on Children in Armed Conflict to the Working Group on Children and Armed Conflict that for the first time since the database was started, in February, March, June, July and August 2007 the monthly figure of children released exceeded the figure of children reported as recruited in the month. However the accuracy of this information is influenced by the growing fear of parents to report, there is information of increasing recruitment of not only children but older persons and civilians in the context of the current military efforts by the Government to control and prevent terrorism.

340. In 2004, there was a “break away” faction of the LTTE (the Karuna group) from the LTTE. The Karuna group released an estimated 1,800 children immediately after their split from the LTTE.

341. However, there have been reports that these children were re-recruited by the LTTE. UNICEF has recorded that there were 517 under age recruitment cases known to UNICEF as of end June 2008. These were mostly boys. The total released is 205, while 191 have run away. The total outstanding is 129 of which 66 are under 18. The Karuna faction of the LTTE subsequently became known as the TMVP and was registered as a political party. The Government is following up allegations of continued child recruitment by the TMVP as a serious issue. The limitations and negative experiences with past rehabilitation measures led the present Government to take a fresh look at the need for a new approach to the rehabilitation and reintegration of child soldiers. The elections and the establishment of a system of democracy after 20 years in the East, democracy provides hope that child recruitment will shrink as effective rehabilitation programmes expand.

342. UNICEF reported that they had collaborated with other INGOs in 2004 to prevent child recruitment and that they had some success. Festival time was a period when child recruitment used to rise with children being taken away from temples. Monitors present at these sites apparently helped to reduce child recruitment. In September 2006, a Commissioner General of Rehabilitation (CGR) was appointed under the Office of the President. The CGR now takes the lead in the rehabilitation of “child surrendees”, who give themselves up in to government authorities.

343. The Government has established a dedicated centre for “child surrendees”, the Ambepussa Rehabilitation Centre. Around 90 children have been through the centre, with 25 currently in residence. The CGR has developed a policy framework for the rehabilitation of “child surrendees” in collaboration with the NCPA. Accordingly they are provided with vocational training, language and literacy skills in addition to protection. They are provided with psycho social support including regular access to their parents. Some child surrendees in the east decided to be reintegrated with their parents in their own communities.

344. Local NGOs and designated government authorities are involved in monitoring such children. Efforts are being made to involve the Probation and Child care staff in such monitoring including the NCPA coordinators. Action is also being taken to identify transit homes in each district for such children to get protection in case this is preferred to being at the main centre.

345. The Government is finalizing an amendment to Emergency Regulations to deal with the situation of child surrendees – Emergency (Miscellaneous Provisions and Powers) Regulation No. 1 of 2005. The amendment will provide for the establishment of Protective Child Accommodation Centres and Protective Child Rehabilitation Centres, the latter to extend psychosocial support, vocational training and other services which would facilitate the successful reintegration of a child surrendees into his or her family, community and eventually society. The regulation will contain the procedure to be followed when a person under “18 surrenders” such as informing the child’s parents of guardian, Probation Officer and the NCPA area coordinator; investigation regarding the child’s circumstances; appearance before a Magistrate; preparation of reports; and accommodation.

346. The Magistrate is required to make a determination regarding the placement of the child considering the best interests of the child and with a view to effecting family reunification or placing him or her with extended family having due regard to the safety of the child and family.

347. The Government set up a Sri Lanka Task Force for Monitoring and Reporting on children affected by armed conflict in terms of Security Council resolution 1612 on July 2006. The Task Force secretariat is based in UNICEF and coordinates information-gathering at national level data. The Task Force will be the contact point for the global Steering Committee. Modalities for monitoring and reporting at sub-national level are still being strengthened. UNICEF is conducting a series of training workshops on Monitoring and Reporting Grave Child Rights Violations, which will involve looking at revision of monitoring techniques for documenting grave child rights violations and the establishment of a district coordination mechanism for documenting and responding to such violations. The governmental agencies which are members include the NCPA and the Human Rights Commission. One of the most important aspects which need to be strengthened in the Committee is the need for the verification of incidents being reported. This includes greater attention to accuracy and objectivity. Another is the need to build the capacity of the only two State institutions which have serious difficulties in fully participating in the reporting process due to lack of resources to build the capacity of their institutions to record and report child related incidents to the Sri Lanka Task Force on 1612.

348. As a follow up to Security-Council resolution 1612 and the United Nations Secretary-General’s report on children affected by the conflict, a task force meets regularly under the Secretary Ministry of Child development to discuss and follow up outstanding issues, particularly in relation to action needed. These include issues such as child recruitment and rehabilitation, access to education, birth registration and the provision of alternate care.

Psychosocial support and assistance

349. Psychosocial support and assistance for children affected by the armed conflict have been given attention by both government and NGOs at community level. Such programmes cover child combatants released to homes as well as other children affected by the conflict living in communities.

350. According to UNICEF and NGO sources with regard to child combatants, a needs assessment is conducted for each child immediately on release, looking into needs such as counselling, shelter, income generation and vocational training. Apparently according to their sources, such needs generally cover the wider community, and cover unaccompanied children, internally displaced persons and refugees, returnees and landmine survivors. Among initiatives to identify problems requiring a psychosocial intervention include Village Protection Committees and Children’s Clubs. Their coverage has not been determined. More generalized training appears to be given on methods to cope with the conflict situation and its consequences. The impact has not been determined.

351. The Psychosocial Coordination Forum operating at district level in the conflict-affected areas is one mechanism to cater to the psychosocial needs of all children. This mechanism evolved over 2003–2004 but became functional from 2005 with the input of new funds from tsunami aid. The Psychosocial Forum is linked to the mental health units of government hospitals in the relevant areas. The NCPA has appointed Psychosocial Coordinators who act as focal points within DCDCs, thereby allowing for coordination and linkages among government, NGOs and the community in providing psychosocial assistance and support to children. In addition to these measures which are designed to pick up on the variety of psychosocial issues in the community and provide appropriate referral, there are also other initiatives to address specific issues, such as the Mine Action offices of the United Nations Development Fund (UNDP) which provide survivor assistance to landmine victims, and the offices of United Nations High Commissioner for Refugees (UNHCR) which support internally displaced persons, refugees and returnees.

Education

352. The Government has taken measures to ensure that children affected by conflict are not denied their right to education through out the entire period of the conflict. Non-formal and “catch up” education programmes have also been conducted. Infrastructure improvements include the constructing of school buildings, toilets and water supply facilities particularly in the Northern and Eastern Provinces. This also included the reactivation of School Attendance Committees. Teachers have been trained in psychosocial counseling. Due to the security situation it is difficult to obtain accurate and reliable information on education issues from some areas.

353. Unfortunately the LTTE uses schools, particularly in LTTE dominated areas to indoctrinate school going children to join the LTTE and become child combatants.

354. A comprehensive assessment of the education sector needs in the conflict-affected areas was done in 2003. It covered physical capital stock, teachers and principals, non-formal education, peace education, school feeding programmes, and preschool education. Section VIII on “Education” in this report (above) points out that government spending on education in conflict-affected areas is proportionately very high compared to other districts. However there were severe capacity constraints in reconstruction and supervision in districts such as Jaffna, Killinochchi, Mullaitivu, Mannar and Vavuniya. Issues relating to teacher deployment have already been dealt with, in the “Education” section, above. With the current phase of the conflict further reconstruction and development in the North would have to be reassessed in the future. Rebuilding of schools and infrastructure facilities however carries on in the East. It is expected this would be expedited with the recent election of provincial authorities.

355. The Sri Lankan Government adopted several measures to provide extra educational support for displaced children. Catch Up Education (CUE) was one such initiative. Under the Six-Year Provincial Primary Education Plan (1999–2004) of the Northern and Eastern Province (as it then was) teachers were trained in a short orientation programme in CUE. In 2001 a CUE programme was initiated in Vavuniya, on the basis of findings and recommendations of An Appraisal of the Education System in the Vanni (LTTE-controlled) areas of Sri Lanka. This programme was expanded and the Vanni Education Rehabilitation Project (VERP) supported by German Government Assistance (GTZ) was launched in 2002.

356. A Review of CUE in Sri Lanka done with UNICEF-Ministry of Education collaboration in 2003 revealed certain gaps in the CUE programmes. While CUE was found to have many advantages, just as in mainstream education, inadequate training of teachers, lack of teaching materials and lack of parent awareness were found to be problems. The Review recommended a revised system in place for CUE encompassing a Provincial

Steering Committee which would decide on methods of selection of beneficiaries etc., and with clear reporting and monitoring guidelines.

357. Learning from past experience in CUE, education authorities have with UNICEF support created a new consolidated syllabus specially designed for children who have been out of regular school for up to six months. This was done after a careful examination of existing school curricula to identify key competencies which children are required to achieve during an academic year and to make a successful transition to the next Grade. Aware of the need for sensitivity to the emotional impact of the conflict on children, their families and teachers, the new curriculum contains a strong psychosocial component.

358. The Human Rights Commission's National Protection and Durable Solutions for Internally Displaced Persons (NPDS/IDP project) have recently completed a study on the Right to Education of IDPs.

359. The study assesses the situation in six conflict-affected districts, with about 361,060 displaced persons of whom nearly 30 per cent are school-age children, representing 2 per cent of the total student population of the country. The study identifies several problems relating to the education at preschool, primary and secondary levels, and tertiary and higher education.

360. It signals the need for better management of the preschool system by the Provincial Councils and more financial and other resources for the management and supervision of preschools. In primary and secondary education issues highlighted are temporary closure of schools and schools being used as IDP accommodation; high dropout rate due to financial constraints; and child labour and child military recruitment.

361. The study revealed that a number of schools were temporarily closed and some others were occupied by displaced persons, interrupting the education of thousands of children and causing the relocation of hundreds of teachers from their original schools. With the Government taking control of the East measures were quickly put in place with the assistance of INGOs to bring normalcy to the lives of the displaced. In several affected administrative Divisions children are back in schools with furniture, books and uniforms provided by the Ministry of Education.

362. Where children are affected by the disruption to infrastructure facilities such as water and electricity, the Ministry of Resettlement is putting in place measures to restore these facilities under the Emergency Assistance Programme to the Resettled IDPs in Batticaloa.

363. There are indications that in areas of severe teacher shortage, schools may be resorting to the use of volunteers, at a time when the national policy of the government is to put a stop to the use of untrained teachers. In a bid to address some of these issues, the Eastern Province Education Department is hoping to obtain UNICEF assistance to enhance the quality of education in the East with targeted teacher training programmes including psychosocial interventions for displaced teachers. In Trincomalee the Japan International Co-operation Agency (JICA) is supporting a project to Improve School Management to Enhance Quality of Education with Special Reference to Science and Mathematics (ISMEQUE). In more Northern areas the security situation makes it harder to maintain normalcy in schooling. Security concerns particularly regarding travel to and from school have resulted in some children dropping out of school.

364. As the absence of birth certificates was identified as a major obstacle to displaced children gaining admission to schools on relocation, the National Policy on Admissions to Schools was revised to remedy this situation. The policy makes special provision for admission to schools after displacement, by stating that it is not necessary to have a birth certificate for school entry. The school should accept a letter from the village head (the

lowest administrative unit in the country) and a certification by the IDP camp that the child has been affected by a disaster, natural or man-made. An affidavit can be submitted to confirm the date of birth.

365. A Needs Assessment of the Asian Development Bank, World Bank and World Food Programme (WFP) in 2003 showed 50,000 school aged children as out of school in the North and East, with a 15 per cent dropout rate. Measures have been taken by both government and NGOs to address this situation. Under the WFP's Food for Education concept which recognizes poverty and lowering of socio-economic status of displaced people as a main cause of school drop-out, about 22,000 children from Grades 1–9 get mid-day meals.

366. The Mid-Day Meal Programme under the Government's vision document *Mahinda Chintana* also provides mid-day meals to selected schools. Government officials regularly visit these schools to ensure implementation and reduce further dropouts.

Additional information

367. A profiling of protection concerns of children displaced due to the armed conflict commissioned by Save the Children was carried out in three districts – Jaffna in the North, Batticaloa in the East and Anuradhapura in the North Central Province. It looked at children displaced since April 2006 who were living in IDP camps, from the perspective of the children themselves, parents/careers and service providers. The study found that the primary impact of the conflict on children was psychological.

368. Fear of armed personnel and explosives, loss or separation of loved ones, loss of hope for the future, inability to plan, mental strain with related behavioural changes such as withdrawal and difficulty in concentration, were some of the most important impacts. Adults raised economic issues as the second most important area of concern, with absence of livelihood possibilities and losses suffered in the process of displacement being highlighted. Adults saw education as the next most affected area. Discrimination by the host community was an issue brought up by all informant groups. A need for accountability and order to reduce impunity was articulated across the districts. Informants pointed to the Civil Affairs Office in the district as a good service provider, noting that fire arms were not carried by officers within the premises and that the officers spoke Tamil, making it a relatively friendly and approachable place.

369. It is interesting that children found happiness mostly in school and school-related activities, with play and recreational activities, and family, coming next. Children felt cared for and protected by the family, and many also felt cared for by service providers. With regard to knowledge of service availability and access, the level of knowledge was low. While there was some awareness that abuse should be reported, people did not know the processes for doing so. There was also a lack of knowledge of services specific to displacement such as rehabilitation.

370. The most recent development in this area is an inter-agency initiative on children affected by armed conflict, supported by UNICEF. A workshop was held in March 2008 by the participation of the MoCDWE, DPCCS and NCPA, district-level officials and NGOs working on this issue. The purpose of the workshop was to review and harmonize existing child protection strategy for these children and establish the basis for the definition of minimum standards of practice across all State and non-State actors and agencies.

371. Working groups have begun to formulate standards and guidelines in eight thematic areas: advocacy strategy; community awareness/participation/protection; special protection; protective/interim care and case management; school reintegration, psychosocial support, gender and other cross-cutting issues; vocational training/livelihoods; government

structures; and coordination structures/referral mechanisms. Models of best practice will be developed in each area.

372. As follow up, at national level there will be a consultation with the government to define coordination mechanisms at national and district level, to develop a referral mechanism model and to identify capacity building needs. At district level, the workshop conclusions will be shared with relevant child protection stakeholders in order to identify steps to develop best practices model, to recommend to the national level actions and support needed, and to participate in the elaboration of operational guidelines.

B. Sexual exploitation

373. **The Committee recommends that the State party:**

(a) **Develop a National Plan of Action on Commercial Sexual Exploitation of Children as agreed at the first and second World Congresses against Commercial Sexual Exploitation of Children in 1996 and 2001;**

(b) **Train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child-sensitive manner that respects the privacy of the victim;**

(c) **Prioritize recovery assistance and ensure that education and training as well as psychosocial assistance and counseling are provided to victims, and ensure that victims who cannot return to their families are not institutionalized;**

(d) **Seek technical assistance from, among others, UNICEF.**

National plan of Action on Commercial Sexual Exploitation of Children

374. A national Action Plan to Combat Child Sex Tourism (CST) in Sri Lanka was formulated in 2006 by the Sri Lanka Tourist Board with UNICEF support. The Action Plan was developed around the following objectives:

(a) To formulate effective policies, laws and regulations to combat CST and facilitate implementation;

(b) To build stronger collaboration with law enforcement authorities, DCDCs and NGOs working in high risk areas;

(c) To foster effective partnerships with private tourism and other sectors to gain their proactive participation;

(d) To create awareness and understanding among parents, communities, and children;

(e) To publicize the Tourism Industry's Zero Tolerance towards CST;

(f) To develop the management capacity of the Tourist Board for project management, monitoring, supervision and project evaluation.

375. The Tourist Board had already established a CST Combating Unit, which was to be further strengthened with technical support. The Action Plan was implemented by the Tourist Board with UNICEF assistance.

376. Under the Plan community level district fora were established; Knowledge, Attitudes and Practices (KAP) studies were conducted with children, parents and tourists; and a Geographic Information System (GIS) data base is in the final stages of being set up

to inter alia map tourist guesthouses, their proximity to schools etc. This will be used as a tool to lobby relevant actors including law enforcement authorities and policymakers.

377. The NCPA with ILO support, and government and non-government participation, developed a NPA to combat the trafficking of children for exploitative employment, focusing on the four broad areas of legal reform and law enforcement, institutional strengthening and research, prevention, and rehabilitation (see below section IX (C) on “Economic exploitation”).

Training on monitoring and investigating complaints

378. There are many government and non-government training programmes for the different actors engaged in receiving, monitoring, investigating and prosecuting complaints of child sexual exploitation, in a child-sensitive manner respecting the privacy of the victim.

379. The Human Rights Commission over 2005–2006 organized over 20 training programmes for child rights officials across the country. In 2005 the Commission held 349 workshops in seven districts, including Ampara in the East, in protecting child rights, targeting probation officers, child rights promotion officers, officers of the police Women and Children Desks and staff of children’s homes. The workshops included training on international standards and domestic measures of implementation.

380. Increasing awareness and sensitivity among judges is a crucial area which has received greater attention in recent years. An expected outcome of recent initiatives in this regard is the development of guidelines for judges dealing with children in contact with the law. For more details, see “Abuse and neglect” under section VI (C) on “Family Environment and Alternative Care”, above. The police continue to train police officers of the Women and Children Desks on inter alia handling cases involving children in a sensitive manner. A recent focus has been to encourage the use of the provisions on video evidence of children which was brought into the law some years ago but which remain underutilized. Greater use of these provisions will ensure increased protection of children’s privacy when giving evidence in court cases, and lessen the chances of children being “re-victimized” in the litigation process.

381. The National Institute of Social Development and the Sri Lanka Foundation Institute are two of the main institutions offering professional training in child protection/counseling, with a view to enhancing levels of professionalism of persons in contact with child abuse victims, see also “Abuse and neglect” under section VI (C) on “Family Environment and Alternative Care”, above.

Recovery assistance to victims

382. Information on recovery assistance for victims of sexual exploitation is found in section VI (C) on “Abuse and neglect” under “Family Environment and Alternative Care”, above.

Additional information

383. Several amendments were made to the Penal Code by Amendment Act No. 16 of 2006 to bring offences against children, in particular sexual offences, in line with international norms and standards.

384. The new law repealed and replaced the older law on trafficking in persons, to bring it line with the definition of trafficking in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime. Other than buying,

selling and bartering of persons, the definition of trafficking now encompasses recruiting, transporting, transferring, harbouring, receiving any person, or doing any other act for the purpose of securing forced or compulsory labour or services, slavery, servitude, the removal of organs, prostitution or other forms of sexual exploitation, or any other act which constitutes an offence under any law (section 360 C). While with respect to adult victims these acts must be done by means of threat, deception, inducement etc., in the case of children the means used is irrelevant. Furthermore, for children the law specifically provides that the offence is committed whether the acts are done with or without the consent of the child. The new law recognizes that trafficking often consists of a chain of events with the participation of many actors, and makes it possible to catch perpetrators at each point in the chain.

385. The Convention on Preventing and Combating Trafficking in Women and Children for Prostitution Act No. 30 of 2005 was enacted to give effect to the South Asian Association for Regional Cooperation (SAARC) Convention (of the same title) to which Sri Lanka is bound at the regional level. The Act could be seen as supplementing the provisions of the Penal Code. The SAARC Act makes it an offence to keep, maintain, manage, finance or rent out any building for the purpose of trafficking of women and children for prostitution or any connected matter. It provides for compensation to be paid to the victim, recovered from any fine imposed as a penalty for the offence. It also makes offences under the Act extraditable and contains provisions regarding co-operation between States in the investigation and prosecution of trafficking.

386. The Penal Code Amendment of 2006, responding to the emerging threat of child abuse via the internet, also brought in legal provision to protect children from sexual exploitation through electronic media (children being defined as under 18 years). It requires persons providing a service by means of a computer to take all necessary steps to ensure that such computer facility is not used for the commission of any act which constitutes any offence relating to child sexual abuse (section 286B).

387. Any computer service provider who comes to know that such facility is being used in such a way is legally bound to inform the police and provide information he or she possesses regarding the act and the identity of the alleged offender. The new law also makes it an offence to solicit for the purpose of sexual abuse any person under the age of 18 or believed to be under 18, by whatever means, whether from within or outside Sri Lanka.

388. More recent studies reiterate findings of older studies regarding the incidence and causes of commercial sexual exploitation of children. Poverty, lack of education, family dysfunction, and lack of parental knowledge of the value of education and the risks of children entering commercial sex, are some of the key causes. In the National Survey on Emerging Issues among Adolescents in Sri Lanka (2004) it was revealed that only 26 per cent of 10–13 year olds were aware of sexual abuse. 10 per cent of children in that age group and 14 per cent in the 14–19 age group said that they had been sexually abused.

389. While in the younger age group more boys than girls were reported to be abused, there was no significant gender differential in the older group. Overall a higher number of abused adolescents were from poorer socio-economic backgrounds.

390. An analysis of the files (2001–2004) of the Child Interest Unit of the Attorney General's Department indicates that the highest incidence of child sexual abuse occurs in the older age group of 11–16 years (71 per cent). Twenty-one per cent of the victims were 6–10 years old, while 8 per cent were under five years. The vast majority of victims were female (87.5 per cent). Seventy per cent of the victims were from "normal" family backgrounds, 20 per cent from broken families, in 8 per cent of the cases the mothers were

abroad and 2 per cent were children of unmarried parents.¹¹ A point worth noting is that while in the case of child commercial sex workers studies indicate a higher number of boys, this and other analyses show that it is the girl child who is more vulnerable to sexual abuse in general.

C. Economic exploitation¹²

391. **The Committee recommends that State party:**

(a) **Continue its efforts to eliminate child labour, in particular by addressing the root causes of child economic exploitation through poverty eradication and access to education;**

(b) **Develop a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations, law enforcement personnel, labour inspectors and ILO/IPEC.**

Poverty eradication and access to education

392. Increasing attention is being paid to the links between poverty and child labour in programming, leading to the development of more holistic interventions in eliminating child labour.

393. Poverty alleviation programmes of the Government, of which there are many, will not be dealt with in this report to the extent that they are general programmes aimed at uplifting the conditions of the poor and marginalized in the country. While they often do not have a specific child labour focus they are crucial in pre-empting child labour by assuring financial stability for families with the potential to produce child workers.

394. The Ministry of Education continues to play a crucial role in child labour prevention through ensuring that children go to school. Work done in this respect by the Non-Formal Education Division has been discussed in section VIII on “Education”, above.

395. Division has in addition established six Community Learning centres for street children, to draw them into non-formal education and away from employment. They also provide vocational training for children over 14.

396. In addition to government initiatives there are a number of other organizations which provide support services for children who drop out of school to engage in employment. The National Workers Congress trade union operates nine centres throughout the country to provide non-formal education to marginalized children including child beggars and street children – those who are working or at risk of economic exploitation. Facilitating alternative sources of income for the families of these children is often the best way to keep a child away from economic exploitation and within education. The programme therefore offers opportunities for relocation, income generation and vocational training to older unemployed family members.

397. The Plantation Human Development Trust, which is the main body responsible for poverty reduction and development in the estate sector, has now made child labour a

¹¹ Save the Children in Sri Lanka, op. cit.

¹² Much information in this section has been collated from two draft papers presented by Prof. Swarna Jayaweera at the ILO national stakeholder workshop for disseminating Prep Review results, 5 December 2007: *Knowledge-Base Mapping and Review of Child Labour Information in Sri Lanka* and *Mapping of Duty Bearers and Stakeholders for Partnerships and Social Mobilization for the Elimination of Child Labour in Sri Lanka*.

priority. It was supported by ILO in 2004 to carry out a programme in seven districts to prevent the employment of child domestic workers from the plantation sector through education, vocational skills training and economic empowerment measures. This was a response to the recognition that the estates have become a source of child labour supply to the cities. The project included the setting up of non-formal education centres for children under 14 and vocational training for children of 14–18 years who were vulnerable to becoming child workers. Acknowledging that the prime push factor for child labour is poverty, a microcredit and savings programmes was also introduced targeting mothers and older siblings, both to try and ensure availability of resources for children’s education and also to lessen the need for income through child labour. A child labour monitoring mechanism was created and a tracking system has been developed. With the project ending in 2006 sustaining the good work accomplished has been an issue. Some long-term results would appear to include the acceptance of the programme’s objectives as part of corporate social responsibility by managers of plantation corporations.

Comprehensive child labour monitoring system

398. At the national level the National Steering Committee on Child Labour led by the Ministry of Labour focuses on protection and on prevention and monitoring of child labour.

399. This Committee consists of representatives from government, employers, trade unions and local and international NGOs.

400. At sub-national level, the recently reconstituted DCDCs (discussed in “Coordination” under “General Measures of Implementation”, above) are expected to play a key role in monitoring. The amalgamation of the different committees into one body reflects the closely inter-related nature of different aspects of children’s rights such as education, health and welfare, economic exploitation, sexual exploitation, and children affected by armed conflict.

401. Accordingly the DCDCs are multi-disciplinary bodies which should adopt a holistic approach to children’s issues, both in taking remedial steps for rights violations and also in monitoring the spectrum of activities at district level which impinge upon children, including child labour, its causes and its consequences.

Additional information

Other efforts to eliminate child labour

402. After submitting the second periodic report under the Convention but before it was taken for consideration, as the Committee notes in its concluding observations Sri Lanka ratified ILO Convention No. 138 on the Minimum Age of Employment in 2000 and ILO Convention No. 182 on the Worst Forms of Child Labour in 2001. In pursuance of these obligations the government reviewed national labour legislation to make it compatible with international standards. Sri Lanka amended the Employment of Women, Young Persons and Children (EWYPC) Act by Act No. 8 of 2003. The law now prohibits employment of children (under 14), except in training institutions operating under government supervision and in light agricultural or horticultural work done by members of the same family before the commencement or after the close of school hours. In other changes, the law:

(a) Increases from 16 to 18 the age at which children may take part in public performances in which their life or limb are endangered;

(b) Increases from 14 to 16 the age at which children may be trained to take part in dangerous performances;

(c) Increases from 16 to 18 the age at which children may be trained to take part in dangerous performances under a license;

(d) Increases the fine and sentence for offences under the Act;

(e) Makes provision for payment of compensation to victims.

403. An important point is that the Amendment provides for the EWYPC Act to prevail over any other law. This means that the recent changes will encompass all the other laws which govern children's employment such as the Factories Ordinance and the Shop and Office Act and in the case of any doubt under these other laws the position will be decided on the basis of the EWYPC Act.

404. Following ratification of ILO Convention No. 182 in 2003 the Ministry of Labour in collaboration with ILO formulated a National Plan of Action to eliminate the Worst Forms of Child Labour.

405. The Plan was the outcome of a wide process of consultation with children, medical, educational, legal and labour officials from government, trade unions, employers and NGOs in the child rights field. This Plan has now been integrated into the National Plan of Action for Children (above).

406. A list of 49 hazardous forms of child labour was adopted by the National Labour Advisory Council on the recommendation of the National Steering Committee. These include:

(a) Slaughter houses;

(b) Pesticides or harmful chemicals, ionizing radiation;

(c) Tannery manufacture;

(d) Transport, sale, use of explosives, armed combat;

(e) Production of weapons, knives, guns;

(f) Fireworks industry;

(g) Heavy manual work – construction sites; lifting, carrying, moving any load, transportation of passengers and heavy goods; cleaning or repair of machinery in motion;

(h) Mining, quarries, underground work, manufacture of glass, brass foundries, metal/rock crushing, limestone industry;

(i) Textile including batik;

(j) Brick manufacture;

(k) Rubber manufacture;

(l) Road construction and land reclamation;

(m) Tree climbing or felling at unguarded heights above two meters;

(n) Dangerous performances;

(o) Garbage collection, disposal, conservancy, scavenging;

(p) Agricultural work including plantations, bio hazardous substances, inside forests;

(q) Fishing, work on vessel or craft, shipping, water transport, diving, ports, harbours;

(r) Work in day/night clubs, bars, and casinos;

- (s) Night work: 8.00 p.m – 6.00 a.m;
- (t) Hotel work, restaurants, shops, tourist related work;
- (u) Call centres and telemarketing;
- (v) Production, transport, sale of alcohol, tobacco, cigars etc;
- (w) Child domestic labour.

407. An amendment to the EWYPC Act brought in by Act No. 26 of 2006 prohibited the employment of anyone under 18 years in any hazardous occupation. A list of hazardous occupations is to be gazetted under the Act by the Minister. They will include occupations in the list of 49 (above) but may not cover all of those.

408. A tripartite technical committee (government/employer/trade union) is currently working towards formulating a definitive list. As once the list is gazetted it will have binding legal effect, the committee aims to ensure that what is prescribed is implementable within the present legal framework.

409. The government of Sri Lanka has been working closely with ILO's International Programme on the Elimination of Child Labour (IPEC) in many of the initiatives to end the economic exploitation of children. The technical expertise and resources which ILO has provided to the government institutions in the field of child labour prevention has helped greatly in the implementation of social awareness and other programmes, which have to be combined with legal interventions in order to be effective.

410. One such initiative is a capacity building programme for the Women and Children Division of the Ministry of Labour. ILO works in close partnership with local organizations including the trade unions the National Workers Congress and the Ceylon Workers Congress.

411. The NCPA has over the past few years taken a lead in combating child labour, with a focus on child trafficking for exploitative employment. It established an anti-trafficking unit with officers trained in professional surveillance of child traffickers, supported by ILO. A Cyber watch unit was set up to trace foreign pedophiles using the internet as a means to abuse children. The NCPA also took the lead with ILO support to constitute a national Task Force with government and non-government participation to develop a National Plan of Action to combat the trafficking of children in Sri Lanka for exploitative employment (see section IX (B) "Sexual Exploitation", above). The NCPA collaborating with the DPCCS has established two rehabilitation centres for trafficked children (see above, section VI (C) on "Abuse and Neglect" under "Family Environment and Alternative Care").

412. A number of factors make it difficult to make a quantitative assessment of the incidence of child labour. Some forms of child labour are hidden, for instance the area of child domestic workers within households is difficult to penetrate and remains most probably under-reported. Unlike other forms of abuse or exploitation which parents have an incentive to report, child labour is often not seen as a child rights violation. Families in which it occurs consider it their right to have children as workers and assisting in income generating activities, particularly in areas like family agriculture.

413. Different sources of data provide somewhat different pictures of the incidence of child labour in the country. Labour Force Surveys indicate a drop in the levels of employment of 10–14 years olds from 0.5 per cent in 2000 to 0.1 per cent in 2005, but in 2006 the figure was at 2.7 per cent. In the 15–18 age group the percentages are quite high at 29 per cent for males and 18.5 per cent for females in 2006. In terms of absolute numbers some fluctuation is indicated over recent years, with a clear rise to 40,378 in 1999 dropping to 31,247 in 2002. The number of child labour complaints to the NCPA shows a sharp rise in 2006, with around 10–30 complaints over 2003–2005 to over 70 in 2006. It is difficult to

know if this is related to greater awareness due to educational programmes on child abuse/child labour or a real increase in cases.

Table 27

Employment of children between 10–14 years

<i>Year</i>	<i>Number</i>
1992	22 478
1994	33 202
1995	17 829
1996	22 149
1997	16 824
1998	29 863
1999	40 378
2000	30 105
2001	23 809
2002	31 247

Source: Labour Force Survey of Sri Lanka, Dept. of Census and Statistics.

414. The CHW Surveys (above) shed some light on the situation of child labour. In the first survey of districts outside the North and East, 12.2 per cent of children in the 5–14 years of age were found to work more than four hours a day. The figure was significantly lower at 1.4 per cent in Killinochchi and Mullaitivu and 4 per cent in the rest of the districts. The findings of the first two surveys show that more children work in the rural sector than in the urban or estate sectors and that over 90 per cent of the working children work while schooling.

415. The CHW surveys also revealed information about the levels of parental awareness of child labour and education rights. Over 95 per cent knew about a child's right to education in the districts surveyed. Other than Killinochchi and Mullaitivu, the levels of awareness of the age of compulsory education are generally low, and much lower in the rest of the country (6.5 per cent) as against the North and East (21.4 per cent). Mullaitivu and Killinochchi showed a 10.2 per cent awareness rate regarding the minimum age of child labour, while it was 24 per cent for the rest of the North and East and 12.5 per cent outside the North and East.

416. Studies during 2003–2005 have identified a recent trend of the estate sector emerging as a supply source for child domestic labour. Fewer children now appear to enter the estate labour force with the enforcement of compulsory education regulations. Nevertheless, many still do drop out of school from the estate sector, and appear to be sent as domestic labour possibly as a less visible way of flouting the regulations. Parents and relatives are often complicit in cases of child domestic labour, and send children as domestic workers due to economic hardship. Another issue is the possibly increasing role of persons outside the family, such as supervisors on estates who act as agents to provide child domestic labour to urban households for the payment of a commission. Other areas of child labour include manufacture, service sectors, begging, and commercial sex work and child recruitment.

417. Authorities continue to face practical problems in taking action against child labour offences, particularly domestic child labour. They include false information on the child's age, false information given as result of personal grudges, reluctance of neighbours to give information regarding child employment, and difficulties and delays in producing the child

before a Judicial Medical Officer and completing the medical examinations. To reduce obstacles in confirming the age of child workers the EWYPC (Amendment) Act 2003 now provides that when a government medical officer examines any person under the Act, he or she is obliged to issue a certificate regarding the age of the person, and that such certificate shall be admissible in evidence and be prima facie evidence of the facts contained in it.

D. Juvenile justice

418. **The Committee recommends that the State party:**

(a) **Ensure the full implementation of juvenile justice standards and in particular articles 37, 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's 1995 day of general discussion on the administration of juvenile justice (CRC/C/46, chap. III, sect. C);**

(b) **Amend the Children and Young Person's Ordinance (1939) to raise the minimum age of criminal responsibility to an internationally acceptable level and to ensure that all offenders under 18 are treated as children;**

(c) **Set up a system of juvenile courts across the country;**

(d) **Ensure that deprivation of liberty is used only as a last resort and for the shortest appropriate time period;**

(e) **Take effective measures, including, where appropriate, the enactment of legislation, to implement the recommendations of the Law Commission on the juvenile justice system, in particular those regarding access to legal assistance, training of professionals working with children, separation of children in conflict with the law from adults at all stages of the legal process and development of alternative non-custodial methods of rehabilitation.**

Responses to the above recommendations (a-e)

419. As the responses to all of the above recommendations are closely interlinked, each of the recommendations 1–5 will not be dealt with separately, but covered by the response below.

420. A Juvenile Justice Procedure Code was drafted based on the Law Commission proposals following, inter alia, the recommendations of the Committee on the second periodic report. Thereafter there were further consultations on the proposed legal changes, including workshops for government and NGO stakeholders, and for Probation Officers and Child Rights Promotion Officers. A number of comments and suggestions were made on the draft, which was submitted to the Ministry of Social Services as the Ministry under which the DPCCS then functioned. The subject then moved to the new MoCDWE.

421. The MoCDWE is revisiting the draft Code with a view to clarifying certain issues which were raised in consultation. The draft Code dealt only with juvenile justice and not with care and protection of children, whereas the CYPO encompassed both.

422. The Ministry is looking into whether a more comprehensive reform of the law including care and protection is called for. One question is whether it is necessary or desirable to replace the CYPO in its entirety, or amend it to bring it more up to date with child rights principles. An examination of the CYPO reveals that, while some of its provisions need to be overhauled, it contains many salutary provisions which are not implemented in the practice of juvenile justice or care and protection of children. For

instance separation of children from adults at all stages of the criminal justice process is a requirement in the CYPO though this is not always adhered to in practice. For instance, children are transported to court with adult prisoners due to constraints in transport facilities. Many other areas such as raising the age under which children are dealt with as child offenders (as opposed to “youthful offenders” who are now those between 16 and 22), are agreed as needing reform by the Government.

423. The ICCPR Act of 2007 guarantees to every child the right to have legal assistance provided by the State at State expense in criminal proceedings affecting the child, if substantial injustice would otherwise result.

424. An amendment to the law in 1999 (referred to in the second periodic report) permitted videotaped evidence of the preliminary interview of a child victim or witness, in order to avoid children being compelled to give evidence in court. Despite technical facilities being provided, this provision is unfortunately rarely resorted to in practice. It is believed that this is partly due to the lack of awareness of the legal provisions by the police and law enforcement officials. The under-utilization of these provisions is one area identified for research by the Law Commission (see section IV (A) on “General Principles” – “best interests of the child”, above).

425. The Judges Institute in collaboration with the Ministry of Justice and Judicial Reforms, UNICEF and Save the Children has developed a module on children’s rights and juvenile justice. This includes a handbook on Legal Protection of Children in Contact with the Criminal Justice Process, which contains a user-friendly guide to the CYPO, case law under the CYPO, a short note on alternative care under the CYPO, and case law on alternative care developed by the European Court of Human Rights. This module will in future be used as a standard component in the training of all judges. Further information on sensitizing the judiciary on juvenile justice is found in section VI (C) on “Family Environment and Alternative Care”, above.

426. Financial and human resource constraints and logistical difficulties weigh heavily against the expansion of juvenile courts beyond the existing one in Colombo. In January 2008 the President of Sri Lanka publicly recognized the need for more juvenile courts to hear cases involving children including child soldiers, referring to the undesirability of child offenders mingling with adult offenders. Possibly due to increased awareness and sensitivity among judges, there are ad hoc initiatives in certain courts to try and ensure separate hearings in cases involving children.

427. The Community Based Corrections Acts No. 46 of 1999 provides for a range of non-custodial orders for the rehabilitation of offenders which could be imposed in lieu of imprisonment. These include unpaid community work; attending educational, vocational, personal training or development programmes; and undergoing assessment and treatment for alcohol or drug addiction. This Act has not been used in respect of children in conflict with the law.

E. Children affected by the tsunami

428. The tsunami which struck Sri Lanka and other parts of Asia in December 2004 had a massive impact on the country economically, socially and psychologically. It was by far the worst natural disaster the country had experienced. Moreover Sri Lanka was a country which had hitherto had low levels of natural disasters such as floods or landslides when compared to its neighbours in Asia. Sri Lanka was one of the countries worst hit by the tsunami, in terms of ratio of population and area of land affected, with 13 of its 25 districts affected. The Northern, Eastern and Southern coastal areas of the country were devastated.

429. The tsunami killed over 35,000 people, of whom about 12,000 were children. Over half a million people were displaced. About 100,000 houses were damaged or destroyed and over 150,000 people lost their livelihoods. 182 schools were damaged or destroyed, directly affecting 100,000 children. In addition, 446 schools were used as camps for people displaced by the tsunami, which affected another 100,000 children.

430. A massive outpouring of international assistance supported by relatively strong infrastructure for most of the country and a good system of social services meant that in many ways Sri Lanka's recovery from the tsunami was reasonably successful. A quick and effective response from health services meant that there were no epidemics or serious physical health consequences. Psychosocial support for tsunami survivors was put in place in many areas, although the quality of such services was not consistent given the influx of NGOs of differing degrees of expertise and cultural awareness. Housing reconstruction and livelihood recovery were the two most serious post-tsunami challenges. Despite initial complications relating to access and equity, the restoration of livelihoods has progressed. The rate of housing reconstruction was slow in the first year or so, with wide regional disparities, but much of the housing is now complete. The rate of reconstruction was lowest in the East, exacerbated by the heightening of the ethnic conflict and the resultant further displacement. It is hoped that under the new Eastern Reawakening plans of the government and the election of the Provincial Council the position of the East as an underserved region will gradually diminish.

431. With regard to the health issues, there were no major outbreaks of water-borne diseases and other related illnesses or dengue or malaria in the aftermath of the tsunami. Deaths due to communicable diseases were not higher than usual. No children died due to tsunami related disease or displacement.

432. This can be directly linked to the immediate and appropriate responses by the primary health-care systems and public health workers in the Tsunami affected areas which immediately responded and prevented such outbreaks. Immediate efforts were made by them to ensure access to clean water, sanitation and food hygiene particularly in the camps. Pregnant mothers were given special attention as well as children under five years. Efforts were also made to provide mosquito nets, malaria rapid diagnostic kits, medicine, emergency and first-aid kits, and provide first-aid training.

433. The tsunami recovery process incorporated a more long-term development agenda in many sectors. Many of the accomplishments in relation to health were of special relevance to children:

- (a) Formulation of a draft national health sector emergency preparedness plan;
- (b) Revised mental health policy and action plan approved by Cabinet;
- (c) National nutrition policy submitted for Cabinet approval;
- (d) Clear guidelines on infant and young child feeding and revised breastfeeding policy;
- (e) National code of marketing for breast milk substitutes.

434. Over 5,000 community support officers in all affected districts were trained to address mental health needs. Twenty-seven women's centres were established in four districts to supplement responses to violence against women, in which many non-government organizations also joined.

435. By 2005, 95 per cent of school-aged children in tsunami affected areas returned to school. This was assisted by several immediate emergency activities such as distribution of school supplies (school-in-a-box kits, text books, uniforms, bags and furniture); nutrition programmes; psycho-social support; cleaning of schools; and provision of temporary

teaching facilities. For longer-term recovery the Tsunami Education Rehabilitation Monitoring Trust was set up as a local NGO to work in partnership with the Ministry of Education and provincial education authorities. Post-tsunami reconstruction was accompanied by the reception of new ideas including the concept of Child Friendly Schools both in designing the new buildings and creating an environment which emphasizes psychological comfort and safety for children, teachers and parents.

436. The NCPA as soon as the Tsunami occurred undertook a rapid assessment of children affected. Accordingly, 604 children had suffered the loss of both parents by the tsunami, and in the case of 112 children who had only a single parent surviving at the time of the tsunami the surviving parent was killed, making a total of 716 children made orphans. 4,751 children lost one parent – 2,540 lost their mother while 2,211 lost their father. A district- and sex- disaggregated table of the numbers of children who suffered loss of parents is given below.

Table 28

Summary report of children affected by the tsunami disaster (districts)

District	Father dead			Mother dead			Both parents dead			Orphans			Total		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Colombo	14	10	24	14	9	23	2	9	11	1	0	1	31	28	59
Gampaha	1	1	2	4	0	4	3	1	4	0	0	0	8	2	10
Kalutara	27	28	55	11	7	18	7	4	11	3	2	5	48	41	89
Galle	139	121	260	161	138	299	35	35	70	13	14	27	348	308	656
Matara	54	63	117	97	78	175	24	26	50	8	4	12	183	171	354
Hambantota	220	242	462	291	237	528	65	56	121	14	13	27	590	548	1 138
Ampara	130	127	257	389	281	670	49	50	99	9	9	18	577	467	1 044
Batticaloa	304	272	576	157	134	291	70	46	116	0	0	0	531	452	983
Mullaitivu	44	41	85	113	96	209	22	19	41	4	3	7	183	159	342
Trincomalee	27	32	59	60	56	116	4	2	6	3	2	5	94	92	186
Jaffna	115	106	221	29	32	61	17	18	35	5	5	10	166	161	327
Killinochchi	41	44	85	90	53	143	14	15	29	0	0	0	145	112	257
Kegalle	0	0	0	3	0	3	0	0	0	0	0	0	3	0	3
Moneragala	0	0	0	0	0	0	0	2	2	0	0	0	0	2	2
Kurunegala	1	0	1	0	0	0	2	0	2	0	0	0	3	0	3
Kandy	1	3	4	0	0	0	4	2	6	0	0	0	5	5	10
Ratnapura	2	1	3	0	0	0	0	0	0	0	0	0	2	1	3
Anuradhapura	0	0	0	0	0	0	0	1	1	0	0	0	0	1	1
Grand total	1 120	1 091	2 211	1 419	1 121	2 540	318	286	604	52	60	112	2 917	2 550	5 467

Source: National Child Protection Authority – 5/24/2006.

Orphans: Second parent dead before Tsunami.

437. In order to deal more expeditiously with the situation of unaccompanied and separated children the Government enacted the Tsunami (Special Provisions) Act No. 16 of 2005, which came into operation in June 2005. This Act made provision for the immediate registration of whoever had current custody of a tsunami-affected child, and put in place a foster care mechanism for them parallel to the existing system of appointing Fit Persons under the CYPO.

438. To deal with the immediate push even from some international donors to establish children's homes for tsunami affected children, a policy was developed to focus on community and family based mechanisms for child care as opposed to institutionalization. This was successful. Children were instead taken over by extended family or others under foster care or Fit Person Orders. Under the Act no institution could apply for foster care, even if the institution is registered as the current custodian of the child (which could happen in the immediate aftermath of the tsunami if children were taken over temporarily by institutions for their immediate protection.) The thinking behind the Act was that it was very important for children to be placed within a family environment.

439. The Tsunami Act made the NCPA the Guardian of every child orphaned by the tsunami, or left with a single parent who places the child in foster care. The Act envisaged the setting up of foster care evaluation panels at provincial level to assess the suitability of those applying to foster tsunami-affected children. The panel was to consist of the Chairperson of the NCPA or his/her nominee, the Provincial Commissioner of Probation and Child Care Services or his/her nominee, the Provincial Director of Education or his/her nominee, a paediatrician and a psychologist. The Act makes the best interests of the child the paramount consideration in evaluating the suitability of an applicant to be a foster parent. Once a foster care order is made by the Magistrate's Court on the basis of the recommendation of the evaluation panel, a monitoring officer is required to submit regular reports to the NCPA, with the child's input, regarding the child's placement.

440. However as the Act was being operationalized, difficulties arose in establishing foster care evaluation panels. This was due to the shortage of the required professionals, in particular psychologists, to sit on the panels. Therefore the majority of tsunami affected children were in fact processed under the pre-existing general legal provisions relating to the appointment of Fit Persons, in which the lead role is taken by the DPCCS. Thus in practice the responsibility of the NCPA has become limited to the welfare of tsunami affected children between 16 and 18. (Since the DPCCS derives its mandate from the CYPO, it is legally responsible for children only up to the age of 16. The Government recognizes this anomaly, between the age limit of children for the purposes of the NCPA as against the DPCCS's responsibilities. This is a key area which would be targeted for reform by a new juvenile justice law.)

441. In order to avoid tsunami-affected children being adopted in a haphazard manner in the unsettled environment immediately after the tsunami, and to ensure monitoring by State authorities of the child's emotional condition for at least a year, the Act provided that no child is to be adopted unless the child has been in foster care for a period of at least one year.

442. A recent study was conducted by UNICEF to examine the legal and social protection measures for tsunami-affected children in Jaffna (in the North) and in Trincomalee, Batticaloa and Ampara (in the East). The study found that 372 Fit Persons Orders had been issued in these districts for tsunami affected children. The situation regarding these children was difficult to verify in some cases due to subsequent displacement which some had suffered due to the conflict. The study produced a number of findings which should inform future interventions geared towards child protection in the context of the North East. Even greater monitoring than in other parts of the country may be needed for tsunami-affected children in the North East, due to findings inter alia that a significant number of children in respect of whom Fit Person Orders were granted are not living with such Fit Person but with (other) relatives. The study made several recommendations:

(a) Two or more Probation Office units in each district, greater sharing of information between Probation Officers and Child Rights Promotion Officers, and more accountability by Probation Officers;

(b) Increasing awareness on the CYPO in order to ensure standard procedures and clear criteria in the granting of Fit Person Orders;

(c) Assessment of capacity building needs including in the areas of documentation, record maintenance and data management, gender sensitivity, and poverty and livelihood issues; and

(d) Mechanism to improve coordination of psychosocial interventions.

443. Once this report is finalized, the MoCDWE will work in collaboration with UNICEF, Save the Children and local NGOs towards the implementation of its recommendations.

X. Optional Protocol to the Convention on the Rights of the Child

444. **The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.**

445. Sri Lanka has ratified the Optional Protocol to the Convention, on the sale of children, child prostitution and child pornography. This report contains information on several legal and other reforms undertaken by Sri Lanka over the past decade to combat exploitation of children, including in the areas of child trafficking and child prostitution.

XI. Preparation and dissemination of the report

446. The present report was prepared for the Ministry of Child Development and Women's Empowerment under the guidance and advice of a working group, consisting of senior government officials and non-government child rights practitioners drawn from the diverse fields required to be covered by the report. Interviews were also held with key individuals to gather specific information and clarify issues. Once the report was ready in draft, it was presented at a consultation to a wider group of persons and organizations working with children, at which the contents of the draft report were divided into thematic clusters to be examined in detail by sub-groups of experts. The report was thereafter further revised to incorporate comments and suggestions emanating from this consultation.

447. In the absence of a dedicated Ministry for children's issues the reporting obligation was primarily taken over by the Foreign Ministry which played a coordinating role in the preparation of earlier reports. The broader participatory approach adopted in the preparation of the present report possibly reflects the fact that the lead on preparation of the present report was with a Ministry with a specific focus on the subject of children. The Government intends to publicize the present report widely and ensure that adults and children alike have access to it.

448. A similar system of publicity and dissemination is intended for the Committee's concluding observations and recommendations on the report once given.

Annex

**Surveys of child health and welfare – conducted by
Department of Census and Statistics/UNICEF in Seven
Districts of Sri Lanka in 2003, and in Selected Northern and
Eastern Districts of Sri Lanka 2004, including the summary
of averages of selected indicators**

<i>Indicator</i>	<i>Target population</i>	<i>Unit</i>	<i>First survey</i>	<i>Second survey</i>
			<i>2003</i>	<i>districts 2004</i>
Access to safe drinking water	Households	%	85.7	91.0
Main source of drinking water	“			
Pipe born	“	%	28.7	20.7
Tube well	“	%	5.4	4.0
Protected well	“	%	33.2	65.7
Unprotected well	“	%	11.2	6.9
Protected spring	“	%	18.1	0.6
Other	“	%	3.4	1.6
Access to Sanitary Latrines	All households			
Type of latrine	“			66.5
Water-seal	“	%	70.0	4.1
Pour flush	“	%	6.1	1.2
Improved pits	“	%	1.6	5.1
Traditional pits	“	%	15.2	1.2
Other	“	%	1.2	21.7
No toilet facility within premises	“	%	5.9	84.6
Use of iodized salt for cooking	“		85.0	
Medial habits				59.5
Listen to radio (at least once a week)	Household population	%	76.2	75.3
Watch television (at least once a week)	10 years and above	%	70.5	
Read newspaper (at least once a week)	“	%	38.5	37.4
No exposure to mass media	“	%	9.7	13.2
Receiving State assistance	All households			
Samurdhi/janasaviya	“	%	36.7	38.0
Other receipt	“	%	1.4	14.5
None	“	%	62.6	48.1
Social behaviour of male household members	Male members of the households with currently married women 15–59 years			
Consume liquor		%	63.8	36.7
Indulge in smoking		%	49.9	45.3
Indulge in drugs		%	2.6	3.1

<i>Indicator</i>	<i>Target population</i>	<i>Unit</i>	<i>First survey</i>		<i>Second survey</i>		
			<i>2003</i>	<i>districts</i>	<i>2004</i>	<i>districts</i>	
Preschool children	Children 3–5 years						
With access to preschool	“	%	81.3			81.9	
With preschool experience	“	%	53.0			61.2	
Gross enrolment ratio	“	%	35.6			53.8	
Sex ratio of primary school children	School children (years 1 year 5)		102.4			109.7	
Children not attending school	Children 5–14 years	%	1.9			2.5	
Of those not attending school the percentage who never attended	(compulsory schooling age group)	%	34.0			32.5	
Attended before		%	66.0			67.5	
Children working more than 4 hours/day	Children 5–14 years, Working > 4 hours/ day		12.2			4.0	
Of those working the proportion attending school		%	92.1			93.4	
Proportion receiving remuneration of total		%	6.0			13.0	
Proportion working outside the house total		%	5.0			8.4	
Registration of births	Children 0–59 months	%	99.2			99.1	
Immunization coverage	Children 12–24 months, for whom the CHDR is available						
B.C.G.	“	%	92.6			96.1	
DPT	“	%	88.6			88.6	
Polio	“	%	87.1			89.5	
Measles	“	%	86.3			84.5	
Neonatal Tetanus	“	%	93.7			93.8	
Recipients of Vitamin A mega dose	“						
Received at least one dose		%	30.3			55.0	
Received two doses		%	7.5			16.0	
Exclusively breastfed for 4 months	Children 6–59 months	%	63.1			55.4	
Children gained adequate weight	Children 24–59 months			M	F	M	F
In the 1st year	“	%	52.3	41.6	55.8	43.9	
In the 2nd year	“	%	30.4	22.6	36.0	25.2	
Children who suffered from diarrheal diseases	Children aged 3–59 months	%	9.6			6.8	
Children who suffered from acute respiratory infections	Children under 5 years	%	25.3			7.5	
Mothers who are aware of the benefits of	Women with children under 18 years						
Iron	“	%	41.7			42.4	
Vitamin A	“	%	25.0			31.3	
Iodine	“	%	65.3			64.2	

<i>Indicator</i>	<i>Target population</i>	<i>Unit</i>	<i>First survey</i>	<i>Second survey</i>
			<i>2003</i>	<i>districts 2004</i>
Mother's ability to understand the growth curve	Women with at least 1 child under 5 years	%	59.0	58.7
Fathers who contributed towards baby care	Father with children under 3 years	%	95.5	86.3
Median age at first pregnancy	Ever married women 15-49	Years	22.0	21.0
Women who became pregnant at age <18 years	"	%	11.1	15.5
Women who received micronutrients during pregnancy/lactation	Mothers who have given birth to a child within past 5 years			
Mega dose of Vitamin A		%	20.8	33.2
Iron tablets		%	92.1	90.5
Folate tablets		%	90.5	92.3
Vitamin C tablets		%	80.0	88.0
Calcium tablets		%	88.7	93.2
Thripasha		%	90.4	92.3
Women attended by health personnel more than 12 times during pregnancy	Births in the past 5 years preceding the survey	%	67.1	26.1
Mothers who are satisfied with MCH services	Births in the past 5 years preceding the survey		67.8	77.3
Births attended by skilled health personnel		%	96.3	91.5
By doctor		%	37.3	40.4
By nurse/PHM		%	59.0	51.1

<i>Indicator</i>	<i>Target population</i>	<i>Unit</i>	<i>First survey</i>		<i>Second survey</i>	
			<i>2003*</i>		<i>districts 2004**</i>	
Parents knowledge of child rights	Mothers and fathers having children under 18 years	M	F	M	F	
Right to education		%	98.9	99.0	97.9	96.3
Age limit of compulsory schooling		%	5.7	7.3	19.1	23.6
Minimum age for child labour		%	13.1	11.9	22.5	25.5
Parents knowledge of child rights Parents knowledge of child abuse	Mothers and fathers having children under 18 years					
Physical abuse		%	84.4	86.8	76.9	79.6
Emotional abuse		%	90.0	88.5	62.0	63.2
Sexual abuse		%	85.1	85.3	79.7	80.3
Children with low birth weight	Children 5 years	%		17.7		11.1
Male		%		16.5		10.1

<i>Indicator</i>	<i>Target population</i>	<i>Unit</i>	<i>First survey 2003*</i>	<i>Second survey districts 2004**</i>
Female		%	19.0	12.1
Children undernourished				
Stunting	Children 3–59 months	%	18.4	18.4
Wasting			18.2	15.5
Underweight		%	37.4	36.4

* First survey districts were Anuradhapura, Badulla, Ratnapura, Hambantota, Matale, Moneragala and Nuwara Eliya.

** Second survey districts were Jaffna, Mannar, Vavuniya, Batticaloa, Trincomalee and Ampara